

School of Law

**Examining the Treatment of Disabled Persons in the Kingdom of
Saudi Arabia and an Analysis of Rights Violations**

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Declaration

I honestly declare that, to the best of my knowledge, this thesis does not have any material that was previously published by another person, unless where proper acknowledgement of the authors is made.

This thesis is devoid of any content which might have been previously accepted for the award of any educational qualification in a university.

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Abstract

Disabled persons continue to face discrimination despite accounting to more than one billion people around the world. Disabled persons are not only limited functionally, but their rights are constantly being overlooked and trivialised, which contributes to their general isolation from society. For a very long time, disability was strictly viewed from a medical perspective, with disabled persons considered as physically or mentally sick people who required medical treatment and pity from the society. As such, their humanity was neglected while society focused more on their incapacity. Consequently, disabled persons suffered all sorts of unfair treatment and were regarded as worthless people. Over the last two decades, the United Nations has been galvanising countries around the world to take actions towards promoting and protecting the human rights of disabled persons. In Saudi Arabia, persecution of disabled persons continues to be a major issue of concern. This can be noticed in the invisibility of disabled persons, gross discrimination against rights of disabled persons, and lack of clear-cut policies from government to ensure the rights of these individuals are fully protected under the nation's relevant laws.

This study was conceived with the primary aim of reviewing issues faced by disabled persons in Saudi Arabia and actions that could be taken to address the hindrances to their enjoyment of human rights in the country. The objectives of this study include identifying the laws and regulations relating to disabled persons in Saudi Arabia; determining how disabled persons' rights are being implemented; identifying issues impacting the implementation of the rights of disabled persons; and developing actions necessary to improve the existing disability laws and regulations as well as their implementation in Saudi Arabia.

To address these objectives, a triangulation of doctrinal and socio-legal research approaches was employed. Doctrinal approach was employed to systematically examine disability laws

and regulations that have been developed globally and in Saudi Arabia to determine if they are appropriate for protecting fundamental human rights of disabled persons. The socio-legal methodology was adopted as a means of investigating how disability laws and regulations are being implemented in Saudi Arabia for the benefit of its disabled population.

The outcome of the doctrinal and socio-legal analysis suggested that existing laws and regulations in Saudi Arabia are focused on supporting rehabilitation, employment, vocational training and health of disabled persons while neglecting the human rights of disabled persons. This study found that there is no clear written law in Saudi Arabia with specific protection for human rights of disabled persons in the country. As such, rights of disabled persons and their vulnerability continue to be exploited.

This study proposed some recommendations that the Kingdom of Saudi Arabia government could consider towards promoting and protecting the rights of disabled persons in the country such as; the Kingdom of Saudi Arabia government officials initiate measures to achieve an accessible built environment, effective enforcement of existing regulations, addressing negative societal attitudes towards disabled persons, and educating the general public on laws and regulations relating to accessibility of public transportation networks and buildings.

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List of Acronyms

ADA	Americans with Disabilities Act
AIHW	Australian Institute of Health and Welfare
CBR	Community-Based Rehabilitation
CRPD	Convention on the Rights of Persons with Disabilities
COVID-19	Coronavirus Disease of 2019
DDA	Disability Discrimination Act
DES	Disability Employment Support
DAAWS	Disabled Australian Apprentice Wage Support Program
ESCWA	Economic and Social Commission of Western Asia
HRC	Human Rights Commission
KSA	Kingdom of Saudi Arabia
MOE	Ministry of Education
MOH	Ministry of Health
MHRSD	Ministry of Human Resources and Social Development
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NSW	New South Wales
NGO	Non-Governmental Organisations
OECD	Organisation for Economic Co-operation and Development
OPCRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
QLD	Queensland
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UNESCO	United Nation Educational, Scientific and Cultural Organization
UNGA	United Nation General Assembly
UN	United Nations
UNCRPD	United Nation Convention on the Rights of Persons with Disabilities
USA	United States of America
WA	Western Australia
WHO	World Health Organization

CHAPTER 1- INTRODUCTION

1.1 Background

Over one billion people in the world live with a disability. About 200 million of them cannot perform the ordinary activities of daily living, such as feeding, personal grooming, toileting and ambulating.¹ According to the World Health Organization (WHO), disability is an inescapable part of humanity. Nearly all humans will experience some form of impairment or difficulty functioning normally, either temporarily or permanently, at some point in their lifetime.² A disability can be defined as any impairment of the body or mind that prevents an individual from performing certain activities and interacting with the world around them as they would do without such a condition.³ Disabled persons have equal rights to everyone else to live, contribute and prosper in a society. However, disabled persons not only experience functional limitations but also generally face more significant discrimination than others. As such, disability becomes an issue that needs to be addressed from the dimension of human rights and development.⁴ Comprehensive data has shown that disabled persons are more prone to experience adverse healthcare outcomes, fewer employment opportunities, a higher likelihood for poverty and poorer education than others.⁵ Accordingly, disabled persons usually find it especially challenging to meet their daily needs.

Most challenges that disabled persons face around the world pertain to social perceptions of them. This has led to the development of disability models; namely, medical, social, charity and human rights. Historically, disability is often seen as a medical concern, biological deficiency or something deserving of great pity.⁶ Based on that thinking, disabled persons are

¹ World Health Organization and the World Bank, *'World Report on Disability 2011'* (Report, World Health Organization, 2011) <https://www.who.int/disabilities/world_report/2011/report/en/>.

² Ibid.

³ 'Impairments, Activity Limitations, and Participation Restrictions', *Centers for Disease Control and Prevention* (Web Page, 16 September 2020) <<https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html>>.

⁴ World Health Organization and the World Bank (n 1).

⁵ Ibid; World Bank, *'World Development Report 2016: Digital Dividends'* (Report, World Bank, 2016) <<https://www.worldbank.org/en/publication/wdr2016>>.

⁶ Colin Barnes, *Understanding the Social Model of Disability* (Routledge, 2019).

largely regarded as sick individuals.⁷ Consequently, the issues relating to protecting the rights of disabled persons have been mostly ignored in the past.⁸ Until as recently as 2008, when the *Convention on the Rights of Persons with Disabilities* (CRPD) was introduced by the United Nations (UN), there were no legally binding international law (treaty) or legislation to promote equal rights for disabled persons despite their experience of being regularly subjected to environmental obstacles, social oppression and exclusion.⁹ However, there was a soft law in the form of the 1975 UN Declaration On The Rights of Disabled Persons .¹⁰ Soft law instruments are usually considered as non-binding agreements entered into by states to provide guidance.¹¹ Over the last four decades, the UN and most countries have been making concerted efforts to improve the human rights of disabled persons.¹² The actions of these nations have led to the development of various legal instruments designed to help the enforcement of disabled persons' fundamental rights.¹³

The social model of disability has been crucial in the advancement of human rights for disabled persons.¹⁴ This model refers to the idea that disability occurs due to how society is structured, rather than an individual's impairment or difference.¹⁵ The model is based on the principle that disabled persons are not disabled by their health conditions but by the environmental, social and economic barriers confronting them and society's attitudes towards them.¹⁶ As such, removing these obstacles is the best way to eliminate discrimination in society and improve the life choices for disabled persons.¹⁷ The social model of disability has been attributed to the development of the British 'big idea' movement, with the primary goal of advancing the cause

⁷ Ibid.

⁸ Ibid.

⁹ Marianne Hirschberg, 'Conceptualizations of Disability in ICF and CPRD: Their Contribution to the Realization of the Right to Work' in Gudrun Wansing, Felix Welti and Markus Schäfers (eds), *The Right to Work for Persons with Disabilities* (Nomos, 2018) 101, 101–200.

¹⁰ Susana Caballero (ed), *Dictionary of Statuses within EU Law*. Springer, Cham, 2019. 141.

¹¹ Ibid.

¹² Tom Shakespeare, *Disability Rights and Wrongs Revisited* (Routledge, 2013).

¹³ Ibid.

¹⁴ Dan Goodley, 'Who Is Disabled? Exploring the Scope of the Social Model of Disability' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (SAGE, 2nd ed, 2004) 118.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

of disabled persons around the world.¹⁸ The social model of disability shifts attention from the medical conditions of disabled persons to their social exclusion and injustice.¹⁹ The charity model of disability has also influenced the treatment of disabled persons. The charity model is recognised in the Qur'an, which mandates Muslim faithfuls to help deprived individuals, including disabled persons, as such action has a heavenly reward.²⁰

The human rights model of disability improves the social and charity approaches of treating disabled persons. This concept gained considerable momentum at the beginning of the twenty-first century due to several arguments favouring the need to protect the fundamental rights of disabled persons.²¹ Research has suggested that the social model of disability does not fully account for the protection of disabled persons' fundamental rights and entitlements.²² According to Berghs, there is a need to create a society that allows and ensures the rights of disabled persons to live a dignified life and flourish in every sense, as with non-disabled populations.²³ This human rights framework of disability is grounded on promoting the same equal rights for disabled persons as others.²⁴ The human rights model of disability influenced the development of the CRPD, which the UN spearheaded in 2006 when its development commenced.²⁵ This event has brought prominence to the rights of disabled persons. Despite the landmark achievements that have resulted from CRPD, countries need to do more to ensure that the rights of disabled persons are fully protected in the contemporary world.

¹⁸ Frances Hasler, 'Developments in the Disabled People's Movement' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (SAGE, 1993) 278.

¹⁹ Ibid.

²⁰ Peter Coleridge, 'Disability in Afghanistan' (UNDP/UNOPS Comprehensive Disabled Afghans' Programme, 1999).

²¹ Theresia Degener, 'A New Human Rights Model of Disability' in Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (eds), *The United Nations CRPD. A Commentary* (Springer, 2017) 41.

²² Maria Berghs et al, 'Do Disabled People Need a Stronger Social Model: A Social Model of Human Rights?' (2019) 34(7–8) *Disability & Society* 1034.

²³ Ibid.

²⁴ Degener (n 21).

²⁵ Janet Lord, 'Disability Rights and the Human Rights Mainstream: Reluctant Gate-Crashers?' in Clifford Bob (ed), *The International Struggle for New Human Rights* (University of Pennsylvania Press, 2011) 87 ('Disability Rights').

1.2 Overview of Disability Issues in the Kingdom of Saudi Arabia

According to the General Authority for Statistics in the Kingdom of Saudi Arabia (KSA), in 2021, the total population in KSA amounted to 34,100,000.²⁶ A decrease of 2.6% compared to mid-2020, when the total population stood at 35,000,000.²⁷ The main driving factor behind the decline in the overall population in 2021 was the decline in the non-Saudi population by 8.6%, with many non-Saudis exiting the country during the COVID-19 pandemic.²⁸ A 2017 survey undertaken by the General Authority of Statistics indicated that at that time disabled persons make up 7.1 per cent of the KSA, which was then 32,612,846.²⁹ Based on this survey, the disability prevalence rates in the KSA were 3.7 per cent for men which is higher in general than 3.4 per cent for women.³⁰ The KSA General Authority for Statistics was extremely comprehensive in its analysis of the disabled persons in KSA as reported by Peterson.³¹ The survey was scientifically tested and a random sample of 33,375 households throughout KSA were included.³² The general questions such as household, economic, social and demographic characteristics were included.³³ The specific questions included a wide range of topics, such as the types of difficulties and the severity of the disability, as well as the causes of the disability, duration, the sort of government assistance received, and the individual's place of residence.³⁴ The country practises a monarch system of government, but its affairs are governed by Sharia law derived from the Qur'an and Sunnah. This law operates on the belief that all human beings must be treated fairly and without any prejudice, irrespective of their social identity. As such, disability policies and related legislation reflect the core principles of Sharia law and are designed to protect the rights of disabled persons. However, the daily reality paints a different picture as disabled persons in the KSA are grappling with deep-seated social discrimination, exclusion and oppression within their communities. For example, the unemployment rate among disabled persons is significantly higher than the remaining population. The employment rate among men without disabilities in the KSA is 59.4 per cent compared to 25.7 per cent for

²⁶ General Authority for Statistics, 'Population Estimates: Disability Survey,' (Web Article, 2017,15) <<https://www.stats.gov.sa/en/43>>.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Helen Peterson, 'Built Environment Accessibility in the Eastern Province of the Kingdom of Saudi Arabia as Seen by Persons with Disabilities' (2021) 11(1) *Journal of Accessibility and Design for All* 120.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

disabled men.³⁵ The employment rate for women without disabilities is 13.1 per cent, while it is 2.7 per cent for disabled women.³⁶ These statistics suggest disabled persons in the KSA may be facing employment discrimination. Research has indicated that a large population of disabled persons have the capacity and desire to work productively.³⁷ However, a lot of questions still remain unclear, such as how accurate and reliable is this data? and what definition of disability is it based on? How low is the total percentage of disabled persons compared to the populations? Is there any underestimating for the disabled persons in KSA? I will address these issues in the following chapters.

In 2017 a UN report has identified disabled persons in the Arab region, including the KSA, among the most marginalised and oppressed population groups, resulting in their exclusion from public life.³⁸ Moreover, the study indicates that disabled persons in the KSA are still not accessing social and physical environments at the same level as the rest of the KSA population due to multiple barriers such as a lack of appropriate legislation and societal disdain for the disabled population.³⁹ Despite the KSA having signed and ratified the CRPD, issues concerning discrimination and oppression of disabled persons persist. The country has also been submitting periodic progress reports to the UN on actions taken to protect the rights of disabled persons in line with the CRPD's framework, the most recent one being in 2019.⁴⁰ However, available evidence suggests the need for a significant improvement in the situation of disabled persons in the KSA overall.⁴¹

The KSA has been developing legal frameworks and socio-economic policies to support the living conditions and inclusion of disabled persons. Some disability legislation and policies are directed at addressing the inequalities experienced by disabled persons in healthcare, educational achievement, employment and social integration. However, the effectiveness of

³⁵ United Nations Economic and Social Commission for Western Asia, *Strengthening Social Protection for Persons with Disabilities in Arab Countries* (Report E/ESECA/SDD/2017/2, United Nations, 2017) <<https://reliefweb.int/sites/reliefweb.int/files/resources/social-protection-persons-disabilities-english.pdf>>.

³⁶ Ibid.

³⁷ Vardit Rispler-Chaim, *Disability in Islamic Law* (Springer, 2007) 19–39.

³⁸ United Nations Economic and Social Commission for Western Asia (n 35).

³⁹ Ibid.

⁴⁰ Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Saudi Arabia*, UN Doc CRPD/C/SAU/CO/1 (13 May 2019).

⁴¹ United Nations Economic and Social Commission for Western Asia (n 35).

their implementation is in doubt. Anecdotal evidence shows that the KSA, like many other Arab nations, continues to struggle in its efforts to enforce disability-related legislation, which means the rights of disabled persons there are still not adequately protected.⁴² Despite ratifying the CRPD, the KSA has been approaching the treatment of disabled persons through the charity model, which insufficiently supports comprehensive social protection for this population group and runs contrary to the goals of CRPD.⁴³ This model has led to the establishment of charity organisations assisting disabled persons in the country.⁴⁴ While the role of the charity model and these charity organisations in improving the plight of disabled persons cannot be overemphasised, neither directly addresses the human rights issues facing this population group. Prejudice against disabled persons is still prevalent and social attitudes towards them remain far from appropriate, with their human rights not fully recognised within society.⁴⁵ Consequently, it has been suggested there is a need also to address issues confronting disabled persons through the human rights-based approach as this will enhance their social protection and integration into the KSA society.⁴⁶

Globally, disability studies have focused mainly on problems confronting disabled persons as they seek equal opportunities to participate in socio-economic activities and struggle for acceptance within their immediate communities.⁴⁷ The oppression, exclusion, discrimination and other social ills facing disabled persons have been the subject of many disability studies.⁴⁸ Most of these challenges have been attributed to using the medical and charity models in how disabled persons are treated, with society looking at them as individuals who deserve pity and lack the capacity for an autonomous existence.⁴⁹ Consequently, several studies have examined how the community can continue to support disabled persons in their daily survival. Based on the outcome of these studies, several nations worldwide, including the KSA, have been developing policies and legislation to aid disabled persons. Most of these action plans are

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Caroline Montagu, 'Civil Society and the Voluntary Sector in Saudi Arabia' (2010) 64(1) *Middle East Journal* 67.

⁴⁵ United Nations Economic and Social Commission for Western Asia (n 35).

⁴⁶ Maher S Al-Jadid, 'Disability in Saudi Arabia' (2013) 34(5) *Saudi Medical Journal* 453.

⁴⁷ Ruth Patrick et al, 'Debate: The Wrong Prescription: Disabled People and Welfare Conditionality' (2011) 39(2) *Policy & Politics* 275.

⁴⁸ Mike Oliver and Colin Barnes, 'Disability Studies, Disabled People and the Struggle for Inclusion' (2010) 31(5) *British Journal of Sociology of Education* 547.

⁴⁹ Ibid.

designed to improve the social wellbeing of disabled persons, such as those aimed at improving their health, education attainment, accessibility and employment opportunities. Although these initiatives are commendable, there is a need for more research to determine their impact in supporting independent living and social inclusion for disabled persons. According to a UN study, the charity model has specifically failed to empower disabled persons and has contributed to disparities in the socio-economic opportunities available to this population group.⁵⁰

As previously mentioned, the KSA has disability legislation and policies designed to improve social protection for disabled persons. However, little is known about their impact in promoting the rights of disabled persons in the KSA. More studies are required to understand if these social and welfare programs and disability legislation have translated into the improved treatment of disabled persons in according to them their fundamental human rights within the KSA society. There is a high possibility that the rights of disabled persons are still not adequately protected, considering that they still have a far lower socio-economic status compared to others. This study aims to bridge this study gap by considering the human rights issues confronting disabled persons within the context of their treatment in the KSA.

1.3 Research Aim and Objectives

This research aims to evaluate broad human rights issues confronting disabled persons in the KSA. The main objectives of the research are to:

1. Identify the laws and regulations relating to disabled persons in the KSA.
2. Determine how disabled persons' rights are being implemented under the disability laws and regulations operating in the KSA.
3. Identify issues impacting the implementation of the rights of disabled persons under the disability laws and regulations operating in the KSA.
4. Develop actions or changes necessary to improve the existing disability laws and regulations and their implementation in the KSA towards advancing the rights of disabled persons in the country.

1.4 Research Questions

The following questions have been developed based on the stated research objectives:

1. What are the disability rights under current laws and regulations in the KSA?

⁵⁰ United Nations Economic and Social Commission for Western Asia (n 35).

2. How are disabled persons' rights enforced under the disability laws and regulations operating in the KSA?
3. What are the issues impacting the implementation of the rights of disabled persons under the disability laws and regulations operating in the KSA?
4. What actions or changes are necessary to improve the existing disability laws and regulations and their implementation in the KSA towards advancing the rights of disabled persons in the country?

1.5 Research Significance

The KSA's large population of disabled persons has been increasing over the last two decades. In the early 2000s, about 135,000 Saudi citizens identified with some form of disability.⁵¹ A 2017 analysis of demographic survey data reported that 1,445,723 people had a disability out of 21 million population.⁵² It was reported in 2021 that the number of people with disabilities in the KSA stands at 7% to 10% of the total population.⁵³ The disability prevalence in the KSA into the foreseeable future can be expected to rise with the current prediction that about 19 per cent of the population will be 65 years and above by 2050.⁵⁴ This will in turn increase the likelihood of disabled persons within the Saudi population since old age is frequently associated with various forms of disability. In addition, risky health behaviours are increasing worldwide, which can contribute to the incidence of disability.⁵⁵ It is particularly concerning that the KSA has high rates of traffic accidents, as these can cause permanent disability.⁵⁶ If all these factors are considered, there is a need for robust actions to ensure the enforcement of disabled persons' rights in the KSA as their social protection is of great importance towards building a just society.

Anecdotal evidence suggests that the human rights of disabled persons are being infringed in the KSA as indicated by poor health, social inclusion, educational and economic outcomes, to

⁵¹ Al-Jadid, 'Disability in Saudi Arabia' (n 46).

⁵² General Authority for Statistics, 'Population Estimates: Disability Survey,' (Web Article, 2017,15) <<https://www.stats.gov.sa/en/43>>.

⁵³ Samir Salama, 'Saudi Arabia: 8% of Population Has Disability, Says Expert' *Gulf News* (online, 28 October 2021) <<https://gulfnews.com/world/gulf/saudi/saudi-arabia-8-of-population-has-disability-says-expert-1.83259921>>.

⁵⁴ Nancy J Karlin, Joyce Weil and Wejdan Felmban, 'Aging in Saudi Arabia: An Exploratory Study of Contemporary Older Persons' Views about Daily Life, Health, and the Experience of Aging' (2016) 2 *Gerontology and Geriatric Medicine* <<https://doi.org/10.1177/2333721415623911>>.

⁵⁵ World Health Organization and the World Bank (n 1).

⁵⁶ Farah A Mansuri et al, 'Road Safety and Road Traffic Accidents in Saudi Arabia: A Systematic Review of Existing Evidence' (2015) 36(4) *Saudi Medical Journal* 418.

mention but a few. The real social oppression, discrimination and barriers that disabled persons face in the country cannot be fully appreciated as there is a lack of data on this issue. However, there is no denying that disabled persons are not truly enjoying the same freedom and rights as the rest of the population. Their invisibility in the leadership hierarchy of governments and business organisations across the country is evident.⁵⁷ For example, only one member of the Saudi Shura Council, Ahmad Al-Said, identifies as a disabled person (confined to a wheelchair after a car accident).⁵⁸ There is a need to better understand human rights issues confronting disabled persons in the KSA so that appropriate actions and strategies can be applied to address them. In particular, the role of families and caregivers in implementing fundamental rights largely ignored in mainstream literature—requires attention. This study seeks to comprehensively address these matters.

The findings of this study will help address health, education, rehabilitation, social and support demands for disabled persons and enhance the restoration of fundamental human rights of this population group. The rights and freedoms that society has taken away from them for a long time due to their condition need to be restored without further delay. The outcome of this research will shed light on inherent human rights issues affecting disabled persons in the KSA and uncover underlying factors impacting the implementation of this population group's rights and actions to help resolve these problems. This study aims to drive social fairness, justice and protection for disabled persons in the KSA and beyond. Lessons gained from the case of the KSA can be useful for other nations to enhance human rights and freedoms for their disabled populations.

1.6 Research Methodology

A literature review methodology was employed to synthesise findings from previous studies on the subject matter on a meta-level. An exhaustive review of past research studies was conducted to determine issues relevant to the current human rights situation of disabled persons in the KSA and the treatment of this population group within the context of existing laws and regulations in the country. Moreover, empirical evidence was obtained on issues affecting the enforcement of disabled persons' fundamental human rights and potential initiatives that the

⁵⁷ Sara Abdullah Kadi, 'Why Does Saudi Arabia Have Fewer Leaders with Disabilities? Changing Perspectives and Creating New Opportunities for the Physically Challenged in Saudi Arabia' (EdD Dissertation, Pepperdine University, 2018).

⁵⁸ 'Who Is the Saudi Shoura Council Member on a Wheelchair?', *Al Arabiya News* (online, 7 December 2016) <[https://english.alarabiya.net/en/perspective/features/2016/12/07/Who-is-the-Saudi-Shoura-Council-member-on-a-wheel-chair->](https://english.alarabiya.net/en/perspective/features/2016/12/07/Who-is-the-Saudi-Shoura-Council-member-on-a-wheel-chair-).

nation can develop to address the problems. The inclusion criteria for the selected and analysed studies were that they must have been peer-reviewed, published in English and undertaken by reputable organisations.

1.7 Thesis Structure

This thesis is structured into eight chapters, as shown in Figure 1.1.

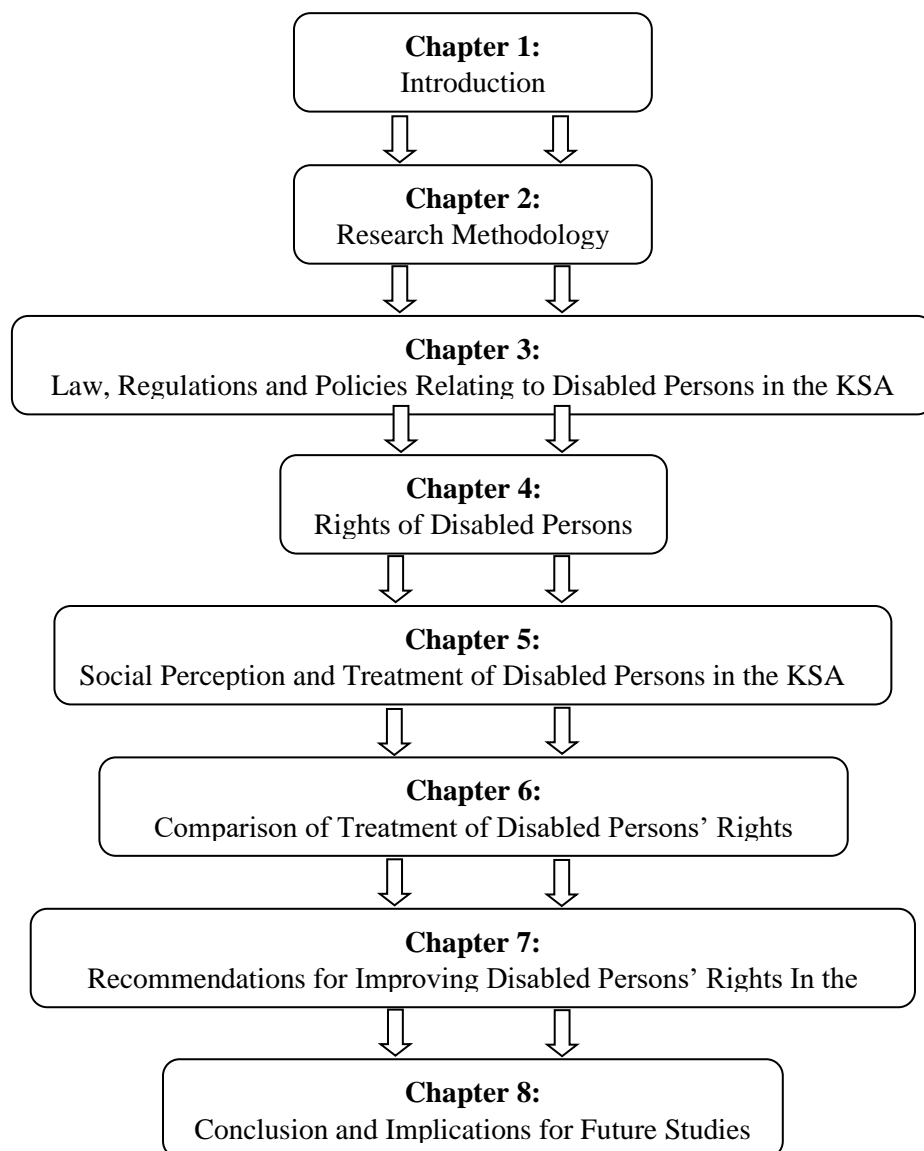


Figure 1.1 Thesis structure.

Chapter 1—Introduction: This chapter covers the background information about the research topic, the rationale for the research, research aims objectives and questions. As well, an overview of the research approach adopted for conducting this investigation and ethical considerations is presented.

Chapter 2—Research Methodology: This chapter offers comprehensive information about the systematic literature review approach guiding this study.

Chapter 3—Law, Regulation and Policies Relating to Disabled Persons in the KSA: This chapter reviews the existing knowledge of law, regulations and policies relevant to people living with a disability in the KSA. It presents an overview of the KSA legal system. Discussions about constitutional provisions for disabled individuals within the KSA legal system and various regulations enacted by governments within the country to ensure equitable treatment of persons living with disabilities are reviewed in this chapter. Lastly, information about government disability policies, a summary of disability services and their administration in the KSA is presented.

Chapter 4—Rights of Disabled Persons: This chapter evaluates previous works that have considered matters relating to the development of rights for disabled persons worldwide. It discusses the evolution of rights for disabled persons globally through the actions of several organisations, countries and the United Nation General Assembly (UNGA) that led to the CRPD. Also, issues around the critical rights advocated for disabled persons through the UN system are reviewed. Aspects of human rights relating to healthcare, education, employment, living standards and social protection, habilitation and rehabilitation, equal justice and security are considered within the global context.

Chapter 5—Social Perception and Treatment of Disabled Persons in the KSA: This chapter looks at how Saudi society perceives disabled persons. Specifically, social attitudes towards persons living with disabilities are considered and compared to what has been reported in other nations. Additionally, the treatment meted to disabled persons in the KSA is examined and compared to that in other countries. The treatment of persons with disabilities in the KSA is evaluated as to whether it meets the standard required by the UN and protects the fundamental rights of disabled persons in the KSA.

Chapter 6—Comparison of Treatment of Disabled Persons' Rights: This chapter compares the treatment of disabled persons' rights in the KSA to that in other selected countries.

Chapter 7—Recommendations for Improving Disabled Persons’ Rights in the KSA: This chapter proposes some actions that are required to enhance disabled persons’ rights. The recommendations and proposals for change are predicated on the basis that disability should be approached from a human rights-based perspective.

Chapter 8—Conclusion and Implications for Future Studies: This chapter summarises the significant contributions of this study to disability and human rights studies. Based on the study findings, this chapter presents recommendations for policymakers in the KSA to enhance the basic human rights of disabled persons to ensure their legal protection. The limitations of this study and its implications for future research are also documented.

1.8 Ethical Considerations

This study did not involve collection of primary data. Consequently, there was no requirement to apply for ethics approval from the Human Research Ethics Committee at Curtin University before conducting this research.

1.9 Research Limitations

The study reported in this thesis was based mostly on secondary data from previously published studies. The sample size in those studies is small, considering that close to 1,500,000 disabled persons live in the KSA. Therefore, this study may not present the current human rights issues confronting the entire population of disabled persons in the KSA. However, it is believed that the participants’ experiences in the studies reviewed in this study can be generalised to other disabled persons in the KSA. Also, their experiences can provide a starting or reference point towards making the changes necessary to protect the rights of disabled persons in the KSA and elsewhere in the world.

1.10 Summary of Chapter 1

Some cases of social exclusion, oppression and discrimination against disabled persons exist worldwide and in the KSA. Disabled persons in the KSA continue to be excluded from social integration in contravention of the Qur’an commandment for the Muslim faithful, who constitute nearly 100 per cent of the KSA. While the Basic Law in the KSA and the CRPD (which the country has ratified) oppose discrimination against disabled persons, their rights are still not fully protected within their communities. They are often neglected in social

empowerment. For example, they experience worse unemployment, health outcomes and socio-economic conditions than other Saudi citizens. Research has suggested that the rights of disabled persons can only be achieved when they are socially protected rather than treated as subjects of a charitable cause. Little research has been undertaken to examine human rights issues confronting this population group. Consequently, this study was conceived to address this need and ensure that the rights of disabled persons in the KSA receive the attention they deserve.

The aim of this study was to examine human rights issues confronting disabled persons in the KSA. The first objective of the research was to determine the existing disability-related laws and regulations in the KSA. Other objectives were to determine how disabled persons' rights are implemented under the disability laws and regulations operating in the KSA, to identify issues affecting the enforcement of the rights of disabled persons under the disability laws and regulations operating in the KSA, and to develop actions or changes necessary to improve the existing disability laws and regulations and their implementation in the KSA in order to advance the rights of disabled persons. It is recommended that the KSA policymakers consider the merits of this study and utilise its findings to develop strategies for protecting the rights of disabled persons in that country.

CHAPTER 2- RESEARCH METHODOLOGY

2.1 Introduction

This chapter discusses the adopted epistemological position and methodology for answering this study's research questions. First, it examines the epistemological stance guiding the conduct of this study. Then it also presents, the research approach and methods used for collecting evidence are presented within this chapter.

2.2 Epistemology

The term, epistemology, is made up of the two Greek words, *episteme* (knowledge) and *logos* (reasonable explanation).⁵⁹ Epistemology relates to the acquisition, internalisation, and judicious application of knowledge to a specific research concept or phenomenon being investigated.⁶⁰ The epistemology of a study usually guides the type and process of addressing a research inquiry.⁶¹ The three elements of epistemology required to develop knowledge in legal research are revelation, observation and reason.⁶² Revelational epistemology involves deriving knowledge from legal authorities such as courts, government statutes, legislatures, or constitutions.⁶³ Revelational epistemology in legal research is somewhat similar to positivism philosophy, which suggests that social reality can be better constructed through an objective viewpoint without any interference from the researcher.⁶⁴ However, positivism in a legal study is different from social research. Legal positivism indicates that a research inquiry should be

⁵⁹ Chris Horner and Emrys Westacott, *Thinking through Philosophy* (Cambridge University Press, 2000).

⁶⁰ Barbara Hofer and Paul Pintrich, 'The Development of Epistemological Theories: Beliefs about Knowledge and Knowing and Their Relation to Learning' (1997) 67(1) *Review of Educational Research* 88, 140.

⁶¹ Barbara Hofer and Paul Pintrich. *Personal Epistemology: The Psychology of Beliefs about Knowledge and Knowing* (Psychology Press, 2004).

⁶² Edward Conry and Caryn Beck-Dudley, 'Meta-Jurisprudence: The Epistemology of Law' (1996) 33 *American Business Law Journal* 376.

⁶³ *Ibid* 377.

⁶⁴ Jules L Coleman and Brian Leiter. 'Legal Positivism' in Dennis Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (Wiley-Blackwell, 2nd ed, 2010) 228, 230.

grounded on determinate social facts like court decisions or laws enacted by a country's legislature.⁶⁵

In contrast to revelational epistemology, observational epistemology is founded on the principle that legal knowledge can also be acquired through our senses.⁶⁶ For example, knowledge can be obtained by looking directly at events or phenomena.⁶⁷ Observational epistemology is interpretive, predicated on the conception that social reality is not objective but very fluid and can be constructed within cultural, social, and other factors.⁶⁸ In respect to legal studies, this epistemological position stresses that, beyond positivism, knowledge can be deepened by interpreting discrepancies in court decisions or laws from the perspective of social reality.⁶⁹ Reasoning is another form of epistemology. Reasoning epistemology aims to advance legal positivism by going beyond the objective nature of law to predicting how the law should be placed in different social settings.⁷⁰ There are arguments that reason can be employed to expand the knowledge acquired via observation or revelation; however, some researchers contend that understanding of a phenomenon can be achieved through reason alone.⁷¹ Deductive reasoning is commonly applied in legal research to understand the meaning of law subjects.⁷²

Usually, all three forms of epistemology are applied in most legal studies; however, the balance of these elements may vary from one research to another.⁷³ However, observational epistemology is less commonly used in legal research.⁷⁴ Consequently, this study has adopted all three elements of epistemology to ensure maximisation of their respective strengths. This process was thought to be important to help achieve high-quality, valid and balanced research findings. The epistemological stance of this study is that legal instruments such as courts,

⁶⁵ Ibid.

⁶⁶ Conry and Beck-Dudley (n 62).

⁶⁷ Andrew Elby and David Hammer, 'On the Substance of a Sophisticated Epistemology' (2001) 85(5) *Science Education* 554.

⁶⁸ Maureen Angen, 'Evaluating Interpretive Inquiry: Reviewing the Validity Debate and Opening the Dialogue' (2000) 10(3) *Qualitative Health Research* 378.

⁶⁹ Geoffrey Samuel, *Epistemology and Method in Law* (Routledge, 2016) 8.

⁷⁰ Ibid 64.

⁷¹ Conry and Beck-Dudley (n 62).

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

government statutes, legislatures, constitutions, and other local and international lawful conventions, as well social and cultural settings, are necessary to build a greater understanding of the research subject. In addition, logical reasoning of these legal instruments, together with social, cultural and other important factors, is required to advance the quality of the study outcomes.

2.3 Methodology

A research methodology relates to the overall strategy of a study; in other words, the system of synthesising evidence to support the claims about a study theme.⁷⁵ According to Coomans *et al*, methodology pertains to the issue of how to search for relevant information about the research subject, structure it, and interpret the outcome.⁷⁶ In the process of investigating a topic in legal studies, the predominant method is doctrinal, but socio-legal methods are frequently adopted.⁷⁷ A doctrinal approach involves the use of law cases, statutes, principles, norms and other relevant legal sources to investigate or explain the research subject.⁷⁸ One of the distinctive features of a doctrinal approach is that it facilitates a critical analysis of legal rules and the principles underlying them, although without actually examining their social effects or applications.⁷⁹ The socio-legal method, on the other hand, goes beyond analysing legal instruments only, by also looking at the effects and applications of these laws and rules to social, economic, and political issues.⁸⁰ Socio-legal research is broadly described as one that ‘embraces disciplines and subjects concerned with law as a social institute, with the social effects of the law, legal processes, institutions and services and with the influence of social, political and economic factors on the law and legal institutions’.⁸¹

⁷⁵ Matt Henn, Mark Weinstein and Nick Foard, *A Critical Introduction to Social Research* (Sage Publications, 2018).

⁷⁶ Fons Coomans, Fred Grünfeld, and Menno T Kamminga (eds), *Methods of Human Rights Research* (Intersentia, 2009).

⁷⁷ Pradeep M. D, ‘Legal Research- Descriptive Analysis on Doctrinal Methodology’ (2019) 4(2) *International Journal of Management, Technology, and Social Sciences*, 96-97.

⁷⁸ Terry Hutchinson and Nigel Duncan. ‘Defining and Describing What We Do: Doctrinal Legal Research’ (2012) 17 *Deakin Law Review* 83.

⁷⁹ *Ibid*.

⁸⁰ Darren O’Donovan, ‘Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls’ in Laura Cahillane and Jennifer Scheweppe (eds), *Legal Research Methods: Principles and Practicalities* (Clarus Press, 2016) 110.

⁸¹ Socio-Legal Studies Association, *First Re-Statement of Research Ethics* (Socio-Legal Studies Association, 2009) [1.2.1].

This study aims to investigate extant legal instruments as well as their applicability within the context of broad human right issues confronting disabled persons in the KSA. Consequently, a mixed methods research design combining doctrinal and socio-legal procedures was considered suitable and adopted to achieve this objective. A doctrinal approach, also known as ‘black-letter’ was used to systematically examine disability laws and regulations that have been developed globally and in the KSA to ensure disabled persons are treated in a way that does not violate their fundamental human rights. The socio-legal methodology was also adopted as a means of investigating how these disability laws and regulations are being implemented in the KSA to the benefit of its disabled population.

2.4 Doctrinal Approach

Salter and Mason refer to the doctrinal research approach as ‘a detailed and highly technical commentary upon, and systematic exposition of, the context of legal doctrine’⁸² This methodology underscores the idea that law is independent and different from other fields as it involves an exclusive examination of legal instruments such as court decisions, legislation and statutes without reference to any matters outside the law system.⁸³ The doctrinal methodology is appropriate for this study since it focuses on human rights law in relation to disabled persons, and as such, requires analysis of disability laws, legislation, policies and statutes.⁸⁴ However, it should be noted that these legal instruments are normally impacted by other factors such as history, cultural identity, and politics.⁸⁵ These factors are regarded as critical in the discussion of issues relating to human right laws for disabled persons, due to different dimensions attached to disability.⁸⁶

The doctrinal methodology adopted in this study was based on data derived directly from legal sources such as a provision in CRPD, the KSA disability laws and legislation, the Royal Decrees and other statutory agreements or orders designed to promote human rights for disabled persons. Through these sources, a wealth of information was gathered to develop a

⁸² Michael Salter and Julie Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Pearson, 2007) 31.

⁸³ Mike McConville and Wing Hong Chui, *Research Methods for Law* (Edinburgh University Press, 2017).

⁸⁴ Salter and Mason (n 82) 49.

⁸⁵ *Ibid.*

⁸⁶ Jerome Bickenbach, ‘Legal Dimensions of Disability Evaluation: Work Disability and Human Rights’ in Reuben Escorpizo et al (eds), *Handbook of Vocational Rehabilitation and Disability Evaluation* (Springer, 2015) 141.

balanced and quality knowledge regarding the subject matter. The information about these legal materials was accessed through textbooks, the KSA government websites, peer-reviewed journals or conference articles, publicly available international publications, and other reliable media. All these sources were carefully selected and thoroughly read to ensure they contained valid information relevant to the research subject. Translations from the original Arabic language were undertaken by the author, who is fluent in Arabic and English. These resources were used to strengthen the discussion of various disability concepts covered in this thesis.

The doctrinal approach was chosen in this study due to it providing an accurate and clear description of laws and legislation relevant to disability instead of theories about this concept.⁸⁷ Moreover, this methodology was considered appropriate since it enables a thorough and qualitative review of legal materials that are relevant to the treatment of disabled persons both nationally and internationally.⁸⁸ Provisions that have been made to protect disabled persons' fundamental human rights in the KSA are identified using this approach. As well, this approach helps to analyse international provisions as a benchmark for evaluating the appropriateness of treatment of disabled persons in the KSA. Moreover, the doctrinal methodology allows this study to establish possible issues with current legislation and laws aimed at protecting the rights of disabled persons in the KSA as well as potential solutions for such challenges. In general, this approach presents a solid structural foundation for this study. In particular, it facilitates continuity and consistency in the discussion around the research topic. For example, ambiguity about specific disability laws in the KSA can be clarified by examining several legal instruments relating to it coherently.

Despite several advantages of doctrinal methodology, it has been a subject of criticism. It has been criticised by some researchers for being too rigid, inward-looking, and strictly rule-based without considering other social influences in understanding research phenomena.⁸⁹ Also, this approach has been described as too narrow without giving adequate focus on the reality of law. However, it is essential to form an initial knowledge of law-related matters.⁹⁰ This study is not designed to be too rigid; rather it aims to engage in critical analysis of policies, laws and legislation that have been developed over the years to protect the rights of disabled persons in

⁸⁷ Ibid.

⁸⁸ Hutchinson and Duncan (n 78).

⁸⁹ Ibid.

⁹⁰ Khadijah Mohamed, 'Combining Methods in Legal Research' (2016) 11(21) *Social Sciences* 5191, 5193.

the KSA. The application of the doctrinal approach is crucial in this regard, since these legal rules or structures were enacted by the constitutionally empowered authority in the KSA, who might have also considered the effect on fundamental human rights of disabled persons.

2.5 Socio-legal Approach

The main aim of this study was to offer insights into how disabled persons in the KSA are being instinctively treated, considering national and international human rights laws. Consequently, it was important, in addition to doctrinal analysis, to apply an approach that enables a more robust examination of legal instruments within social, economic, and political contexts to understand the subject. Thus, a socio-legal methodology was implemented to achieve this objective. A socio-legal methodology allows a comparison of empirical evidence about how disability laws, statutes, legislation, and policies are being practically operated in the country.⁹¹ The Socio-Legal Studies Association defines this approach as one that ‘embraces disciplines and subjects concerned with law as a social institute, with the social effects of the law, legal processes, institutions and services and with the influence of social, political and economic factors on the law and legal institutions.’⁹²

Socio-legal studies have been described as using social research methods to investigate legal phenomena or processes.⁹³ Consequently, this study adopted a ‘law in action’ method that examines how disabled persons in the KSA are being treated, according to the extant laws of the country and international standards.⁹⁴ This approach additionally analyses and explores the strengths, challenges and barriers to the adequate implementation of the legislation, policies and regulations.⁹⁵ This enabled the determination of any gaps between the statutory laws of the land and their practice in real life. Also, this approach was crucial to identify the factors and characters that are shaping the implementation of the human rights of disabled persons.⁹⁶ According to Bradney, typical legal research ‘provides not just more information about law; it

⁹¹ Michael Adler, ‘A Socio-Legal Approach to Administrative Justice’ (2003) 25(4) *Law & Policy* 345.

⁹² Socio-Legal Studies Association (n 81).

⁹³ Mandy Burton, ‘Doing Empirical Research: Exploring the Decision-Making of Magistrates and Juries’ in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (Routledge, 2013) 55.

⁹⁴ O’Donovan (n 80).

⁹⁵ Ibid.

⁹⁶ Ibid.

provides information about a different character from that which can be obtained through other methods of research. It answers questions about the law that cannot be answered in any other way.’⁹⁷

Socio-legal methodology was applied not only to generate reality about how disabled persons are being intuitively treated in the KSA but also to develop evidence-based recommendations on how to improve implementation of laws designed to protect their fundamental human rights across the country. According to Teitelbaum, when the goal of laws is ‘to produce certain results, questions about whether they do produce the expected results, whether they produce other results and whether the identifiable results are as consistent with the reason for the law as one might have anticipated, are all important to examine.’⁹⁸ For this reason, the socio-legal approach was employed to explore if disability laws and legislation in place are achieving the intended outcome in relation to protecting the basic human rights of disabled persons in the KSA and to determine any changes that might be needed to improve the functionality of these legal instruments.

2.6 Research Design

The combined application of a doctrinal and socio-legal approach was achieved by undertaking a comprehensive desk-based review of primary and secondary data, government publications, and other materials from international bodies such as the UN, on disability-related issues. A review of a substantial body of publicly available literature, policies, agreements, laws, and legislation within the KSA jurisdiction and around the world was initially conducted to document and assess current information about the treatment of disabled persons or how their fundamental rights are being protected. This preliminary review activity was crucial to developing robust discussion around the treatment of disabled persons in practice against the expectations according to disability laws and legislation of the country. Specifically, published studies that have highlighted incidents of inhumane or unfair treatment of disabled persons were identified and analysed to understand their contexts.

⁹⁷ Anthony Bradney, ‘The Place of Empirical Legal Research in the Law School Curriculum’ in Peter Cane and Herbert Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010) 1031.

⁹⁸ Lee E Teitelbaum, ‘An Overview of Law and Social Research’ (1985) 35 *Journal of Legal Education* 466.

The human rights issues affecting disabled persons in the KSA were studied using an integrated method incorporating two dimensions identified by Brems.⁹⁹ The first one involved including all sources of human rights laws or norms, both nationally and internationally, relevant to disabled persons. The second dimension considered human rights issues affecting all disabled persons in different environmental settings in the KSA. These two dimensions were employed to analyse human rights matters impacting disabled persons in an integrated way while also preserving some flexibility using four specific techniques. They are identified as: relational and inclusive analysis of disability human rights law; interpreting disability issues from a human rights integration standpoint; analysing connections between various branches of human rights law affecting disabled persons; and applying a case-based method to human rights violations.¹⁰⁰

2.6.1 Relational and inclusive analysis of disability human rights law

The relational and inclusive approach in this study was used to analyse human rights issues and disabled persons as well as their families who are also affected by these problems from an integrated stance.¹⁰¹ This approach was applied to identify not just cases or incidents demonstrating obvious protection and violations of human rights of disabled persons but also those obscured by other prevailing narratives.¹⁰² For example, in instances where discrimination against the disabled or their families was based on their identity or limitations, traces of socio-economic exclusion in force were also examined. This analysis was grounded on intersectionality analysis, a concept that is widely associated with feministic studies.¹⁰³ According to Chow, intersectionality provides ‘a more nuanced way of capturing the multi-faceted experiences of oppression.’¹⁰⁴ Therefore, intersectionality was adjudged as a practical way of identifying discrimination in the treatment of disabled persons in the KSA, not just based on their identity but other grounds such as ethnicity, gender and socio-economic status.

⁹⁹ Eva Brems, ‘Should Pluriform Human Rights Become One? Exploring the Benefits of Human Rights Integration’ (2014) 3 *European Journal of Human Rights* 447.

¹⁰⁰ *Ibid.*

¹⁰¹ David Valeska, ‘Crossing Divides and Seeing the Whole: An Integrated View of Cultural Difference and Economic Disadvantage in Regional Human Rights Courts’ (PhD Thesis, Ghent University, 2018) 31.

¹⁰² *Ibid.*

¹⁰³ Pok Yin S Chow, ‘Has Intersectionality Reached Its Limits? Intersectionality in the UN Human Rights Treaty Body Practice and the Issue of Ambivalence’ (2016) 16(3) *Human Rights Law Review* 453.

¹⁰⁴ *Ibid.*

Intersectionality was operationalised as ‘asking the other question’ based on the proposition of Matsuda.¹⁰⁵

Pluralism awareness, a powerful tool for analysing relationality in feminism, was also used to determine interconnectedness between social identities relevant to disabled persons, including human rights norms.¹⁰⁶ In understanding human rights norms that are rooted in the KSA society, applicable national disability laws and regulations as well as those emanating from outside the country, such as international treaties, were fully identified and analysed to understand how they deal with protecting disabled persons’ human rights in an environment of cultural and economic disparity. For example, the UN’ CRPD and regulations from other countries like the United States of America (USA), Canada, Australia, and the United Kingdom (UK) were examined. Using an integrated, relational, and all-inclusive approach promotes multidimensionality of reality and ensures multiple aspects of human rights issues confronting disabled persons in the KSA are brought to the fore.

2.6.2 Interpreting disability issues from a human rights integration standpoint

Disability laws, legislation, and policies relevant to the normative treatment of disabled persons in the KSA were also interpreted from a human rights integration standpoint. In this instance, the multi-layered human rights system was analysed in an integrated manner to enable a deeper understanding of important issues defining it.¹⁰⁷ This approach was used to explore human rights issues confronting disabled persons in different nations and regions around the world, to find common grounds that apply to the KSA context. The integration of human rights norms was based on the principle of borrowing ideas from other nations or regions of the world and modifying them to improve the human rights situation of disabled persons in the KSA. This method enabled concrete consideration of human rights and facilitated a great discussion of the concept towards developing better treatment of disabled persons in the KSA.

¹⁰⁵ Mari Matsuda, ‘Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition’ (1991) 43(6) *Stanford Law Review* 1183.

¹⁰⁶ Valeska (n 101) 31.

¹⁰⁷ Eva Brems, ‘Introduction: Rewriting Decisions from a Perspective of Human Rights Integration’ in Eva Brems and Ellen Desmet (eds), *Integrated Human Rights in Practice Rewriting Human Rights Decisions* (Edward Elgar Publishing, 2017) 1 (‘Introduction’).

This approach is centred on analysing current human rights law relevant to the treatment of disabled persons in the KSA and its interactions with general human rights law.¹⁰⁸ This method was predicated on the belief that different areas of human rights tend to emanate from each other.¹⁰⁹ This can be attributed to the interconnections that exist between various human rights instruments, which means they normally build on one another.¹¹⁰ Although specialisation of human rights has its benefits, evidence has shown that protection of human rights is better assured when there is a deep reflection on both benefits and shortcomings of increased interconnection between different areas of human rights.¹¹¹ With this approach, human rights concepts, methods or practices from another nation or region were adopted and integrated into developing the knowledge of how fundamental human rights of disabled persons are protected in the KSA.¹¹²

A three-step process was followed in the application of this approach. The first step involved identifying philosophies, concepts, procedures, and norms that are largely considered as unique to disabled human rights law.¹¹³ The supposed unique features of this law were evaluated to determine if they could be beneficial to the advancement of general human rights law. In the second process, the typical features of other areas of human rights were also examined for the possibility of adapting them to disabled human rights law.¹¹⁴ In the third procedure, the real and potential links between the disabled human rights law or norms and universal human rights law were explored in a specific structured way.¹¹⁵ This approach was employed to determine whether disabled peoples' human rights could be developed in isolation or needed to be integrated with other aspects of human rights law.¹¹⁶ Consequently, this connections approach

¹⁰⁸ Eva Brems, Ellen Desmet and Wouter Vandenhoe, 'Children's Rights Law and Human Rights Law: Analysing Present and Possible Future Interactions' in Eva Brems, Ellen Desmet and Wouter Vandenhoe (eds), *Children's Rights Law in the Global Human Rights Landscape: Isolation, Inspiration, Integration* (Routledge, 2017) 1.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ Edurne García Iridate, Roy McConkey and Robbie Gilligan, *Disability and Human Rights: Global Perspectives* (Macmillan International Higher Education, 2015).

¹¹² *Ibid.*

¹¹³ Eva Brems, 'Introduction' (n 107) 4.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

is systemic and systematic; it regards different branches of human rights law as a whole (systemic) and it also demonstrates a structured way of describing the associations among these divisions.¹¹⁷

2.6.3 Applying case-based method to human rights violations

This approach has been suggested as important for developing an integrated perspective towards understanding human rights violations holistically.¹¹⁸ In this study, human rights violations caused to disabled persons were not assessed alone without giving full consideration to acts or omissions that triggered the occurrence of these abuses.¹¹⁹ This study employed the case-based approach to move from an individual viewpoint to a more generic one in which all those affected by human rights violations were included in the analysis not just the disabled persons in the KSA. In this instance, disabled persons' families and their caregivers were also included in the discussion towards establishing current provisions or lack of them towards protecting the human rights of disabled persons in the country. This approach enabled a comprehensive exploration of issues from multiple perspectives to ensure a more holistic understanding of human rights issues affecting disabled persons in the KSA.

2.7 Rationale for Methodology

Both doctrinal and socio-legal approaches were adopted to address the objectives of this research. The adoption of these methodologies was based on their successful application in several legal studies. For example, Reed used doctrinal methodology to investigate ethical issues of human rights.¹²⁰ Moreover, this approach was employed to develop a great understanding of the relationship between free trade and the protection of public morality within the context of international business.¹²¹ The doctrinal approach was applied in this study as a starting point for obtaining historical and current information about disability laws,

¹¹⁷ Ibid.

¹¹⁸ Lieselot Verdonck and Ellen Desmet, 'Moving Human Rights Jurisprudence to a Higher Gear: Rewriting the Case of the Kichwa Indigenous People of Sarayaku v Ecuador (Inter-Am. Ct HR)' in Eva Brems and Ellen Desmet (eds), *Integrated Human Rights in Practice Rewriting Human Rights Decisions* (Edward Elgar Publishing, 2017) 445.

¹¹⁹ Ibid 475.

¹²⁰ Esther D Reed, *The Ethics of Human Rights: Contested Doctrinal and Moral Issues* (Baylor University Press, 2007).

¹²¹ Mark Wu, 'Free Trade and the Protection of Public Morals: An Analysis of the Newly Emerging Public Morals Clause Doctrine' (2008) 33 *The Yale Journal of International Law* 215.

regulations, statutes and treaties that have been developed nationally and internationally to protect the human rights of disabled persons. The approach was also used to determine evolving laws and regulations designed for the fair treatment of disabled persons in the KSA. In general, a doctrinal analysis was significant to build a broader understanding of legal structures in place, not just in the KSA but globally, to prevent human rights violations of disabled persons. The socio-legal methodology was adopted to strengthen an investigation of human rights issues facing disabled persons in the KSA by also considering their social context, rather than completely relying on legal implications. This approach was chosen to explore alternative perspectives on the effectiveness of laws, regulations, and treaties, among other legal instruments, in enhancing the human rights of disabled persons.¹²² These viewpoints were considered important in this study to accommodate wider contexts that are connected to the research area towards building valid discussion and outcomes.

The study's initial plan was to collect primary data from disabled persons, their families and their caregivers. However, it was a difficult to achieve this objective due to the sensitive nature of this study and the complicated protocol required to enrol disabled persons as research participants in the KSA. Also, the Coronavirus Disease of 2019 (COVID-19) pandemic made the collection of primary data impossible due to the KSA government policies in place to prevent the spread of COVID-19. Considering these unexpected problems, published secondary data were collected and analysed to deduce vital information necessary to address the aim and objectives of this study. Only verifiable data published in peer-reviewed articles were considered in this study. This action was taken to guarantee the data validity and reliability.

2.8 Limitations of Methodology

One of the important limitations of this study's approach relates to the lack of primary data. No primary data were collected to support the outcome of this study. The approach used was based on solely analysing secondary data, whose validity and reliability cannot be completely trusted. Data collected from primary sources, such as disabled persons, their family members and caregivers in the KSA would have provided more current and relatable evidence of the current human rights issues affecting disabled persons in the country. For example, a qualitative approach involving face-to-face interviews with disabled persons and their caregivers would

¹²² Dermot Feenan, *Exploring the 'Socio' of Socio-Legal Studies* (Palgrave Macmillan, 2013) 4.

have offered great insights and an opportunity to explore the research problems in a deeper way than secondary data does. Also, a quantitative methodology instead of doctrinal approach would have allowed broader questions to be asked about the current treatment of disabled persons in the KSA and enabled an interdisciplinary approach to the analysis of the data collected.¹²³ Despite the limitation of the study methodology, it has provided an avenue to validly explore human rights issues impacting disabled persons within the KSA jurisdiction.

2.9 Summary of Chapter 2

The adopted research methodology and design have been covered in this chapter. This chapter established research methodology as a critical component of any research activity. Considering the research aim and objectives as well as other related constraints, a research approach combining both doctrinal and socio-legal methods was adopted. The rationale for adopting this methodology, including the epistemological stance underpinning it, was fully explained in this chapter.

The doctrinal analysis was undertaken to develop a preliminary understanding of laws, regulations, statutes, and treaties that have been formulated over the years to protect the human rights of disabled persons. This approach was a crucial step before undertaking a further examination of these disability legal instruments within the KSA social and environmental settings. The doctrinal approach utilised data derived directly from legal sources such as a provision in CRPD, the KSA disability laws and legislation, the Royal Decrees and other statutory agreements or orders designed to promote human rights for disabled persons. In addition to doctrinal analysis, the socio-legal approach was used to compare empirical evidence about how disability laws, statutes, legislation, and policies are being practically operated in the KSA towards understanding their role in the treatment of disabled persons in the country. The research design was also described.

The choice of doctrinal and socio-legal approaches was fully justified in this chapter. The strengths of these methods were discussed in detail. Moreover, the limitations or weaknesses of using doctrinal and socio-legal analysis were explained. Specifically, a lack of primary data was identified as an important limitation of this study. However, this chapter also justified that

¹²³ Douglas W Vick, 'Interdisciplinarity and the Discipline of Law' (2004) 31(2) *Journal of Law and Society* 16.

the adopted approach was designed so as to enhance the credibility and validity of the research findings.

CHAPTER 3- LAW, REGULATIONS, AND POLICIES RELATING TO DISABLED PERSONS IN THE KSA

3.1 Introduction

This chapter reviews the existing knowledge of law, regulations, and policies that are relevant to disabled persons in the KSA. It begins with an overview of the KSA legal system. This is followed by a discussion of constitutional provisions for disabled individuals within the KSA legal system. The chapter also offers a comprehensive review of various regulations enacted by governments within the country to improve the living quality of disabled persons in the country. The three sections following this focus on government disability policies; administration of disability services; and an overview of disability services in the KSA.

3.2 The KSA Legal System

The KSA legal system pertaining to both criminal and civil matters is based on Sharia, an Islamic law predominantly developed from the principles established in the Qur'an and the Sunnah.¹²⁴ Qur'an is the holy book of Islam, which is believed by Muslims to have been revealed from God while Sunnah refers to the way of life established socially and legally for the Islamic community, as captured in the recorded God's inspired actions and verbal sayings of the Prophet Muhammad.¹²⁵ The Basic Law of Governance, which is viewed as the country's constitution, asserts that both the Qur'an and the Sunnah represent the country's constitution.¹²⁶ Article 7 of the Basic Law stipulates that the Monarchy government must derive its power from these two holy books and use them as primary sources of its administrative regulations.¹²⁷ The Basic Law also stresses that the government's duty and the overarching goal should be to uphold the Islamic principles and fully implement Sharia law.¹²⁸ The Basic Law reaffirms the

¹²⁴ Toni Johnson and Lauren Vriens, 'Islam: Governing Under Sharia', *Council on Foreign Relations* (Web page, 25 July 2014) <<https://www.cfr.org/backgrounder/islam-governing-under-sharia>>.

¹²⁵ Hans Kung and Bowden John, *Islam: Past, Present and Future* (One World Publications, 2014).

¹²⁶ *Basic Law of Saudi Arabia* (Kingdom of Saudi Arabia), Royal Decree No A/90 (1 March 1992) art 1 ('Basic Law').

¹²⁷ *Ibid* art 7.

¹²⁸ *Ibid* art 23.

nation's absolute monarchy system of government with the King authorised to direct the affairs of government.¹²⁹

Several provisions are made in the country's Basic Law document, one of which is that justice, consultation, and equality of all Saudi citizens must be guaranteed under Sharia law.¹³⁰ In addition, it mandates that the government must ensure Islamic values, justice, and family cohesion in the country. The Basic Law places an obligation on the State to protect human rights of the KSA in accordance with Sharia law.¹³¹ It requires the KSA authorities to provide quality healthcare services for their citizens as well as those in emergencies, sick people, and older adults.¹³² Lastly, it instructs the government to enact laws safeguarding workers and employers alike.¹³³

3.3 Branches of Government in the KSA Legal System

There are three branches of government in the KSA: the executive, the legislative and judicial.¹³⁴ The executive branch of the KSA government is composed of the King, and the Council of Ministers, also known as the Cabinet, all ministries, local governments, and other independent public entities.¹³⁵ The executive arm of government is exclusively headed by the King, who is the centre of all authority in the country.¹³⁶ The King also doubles as the commander-in-chief of armed forces.¹³⁷ Moreover, the King, who has similar functions to those of a Prime Minister, coordinates the activities of the Council of Ministers, the country's

¹²⁹ Tim Niblock, *Saudi Arabia: Power, Legitimacy and Survival* (Routledge, 2004) 2.

¹³⁰ *Basic Law* (n 126) art 49.

¹³¹ *Ibid* art 26.

¹³² *Ibid* arts 27, 31.

¹³³ *Ibid* art 28.

¹³⁴ The Embassy of the Kingdom of Saudi Arabia, 'Legal and Judicial Structure' (Web Page) <<https://www.saudiembassy.net/legal-and-judicial-structure-0>>.

¹³⁵ *Ibid*.

¹³⁶ *Basic Law* (n 126) art 29.

¹³⁷ *Ibid* art 60.

ministries, and other public agencies.¹³⁸ The final authority regarding the implementation of laws, regulations, and statutory policies or resolutions rests with the King.¹³⁹

The regulatory (legislative) authority is held collectively by the King, the Consultative Council, also known in the Arabic language as *Majlis al-Shura*, and the Council of Ministers.¹⁴⁰ The judicial organ of government in the KSA is referred to as ‘regulatory authority’ since Islamic law (Sharia) recognises God as the sole lawmaker.¹⁴¹ Consequently, the term ‘legislation’ as known in common law is not applicable in the KSA.¹⁴²

The Consultative Council serves as an advisory body to the King, advising him on matters pertaining to the progress of the country.¹⁴³ The concept is derived from Qur’an and Sunnah in which the Prophet Muhammad emphasised the importance of an Islamic leader consulting with learned and veteran citizens.¹⁴⁴ The Consultative Council in the KSA is presently composed of 150 members and a Chairman appointed by the King with a renewable four-year tenure.¹⁴⁵ The council was incorporated into the country’s Inter-Parliamentary Union in 2003 with a primary constitutional responsibility of only participating in the discussion regarding the formation of new regulations and laws as well as the amendment of existing ones.¹⁴⁶ However, in 2004, the council was given a new mandate to propose new laws and amendments to the existing ones without prior knowledge of the King.¹⁴⁷

¹³⁸ *Law of the Council of Ministers* (Kingdom of Saudi Arabia), Royal Decree No A/13 (21 August 1993) art 29 (‘*Law of the Council of Ministers*’).

¹³⁹ *Basic Law* (n 126) art 49.

¹⁴⁰ *Basic Law* (n 116) arts 44, 67–70; *Shura Council Law* (Kingdom of Saudi Arabia), Royal Decree No A/91 (1 March 1992) art 18; *Law of the Council of Ministers* (n 138) art 22.

¹⁴¹ Abdullah F Ansary, ‘Update: A Brief Overview of the Saudi Arabian Legal System’, *GlobaLex* (Web Page, August 2020) <https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html>.

¹⁴² *Ibid.*

¹⁴³ The Embassy of the Kingdom of Saudi Arabia, ‘Majlis Al-Shura (Consultative Council)’ (Web Page) <<https://www.saudiembassy.net/majlis-al-shura-consultative-council>>.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

In addition to its executive functions, the Council of Ministers (the Cabinet) also holds a critical position in the KSA legislature.¹⁴⁸ The Cabinet is comprised of the King (Prime Minister and the head), the Crown Prince (the Deputy Prime Minister, also having responsibility for a ministry), 24 Ministers in charge of other government ministries, and 11 Ministers of State.¹⁴⁹ The Ministers have the prerogative to sponsor a bill related to the development of their supervised ministries in the parliament.¹⁵⁰ However, such bills must first be approved by at least two-thirds of the members of the parliament before being presented for the Royal assent.¹⁵¹ The bills passed by the parliament can only become a part of law after receiving the final approval of the King.¹⁵² The legislative division of the Council of Ministers is referred to as the Bureau of Experts. Its major functions include review and examination of case files, drafting of bills, amendment proposals to existing legislation, drafting of suitable forms for royal orders and decrees, as well as Council of Ministers' resolutions.¹⁵³

The King performs the most important role in ensuring that the criminal, administrative, and commercial laws enacted in the KSA comply largely with the principles of Sharia law.¹⁵⁴ The King, being the final arbiter of the law, holds the broad discretion in the implementation of the regulations, which are considered legal and enforceable in the country. However, in a situation where unclear text can be found in the Sharia law to regulate a specific issue, the Basic Law stipulates that the public interest (*al-maslahah al-mursalah*) should form the basis for such regulation.¹⁵⁵ Nonetheless, regulations are expected to conform to the Sharia to a large extent and serve the interests of the country. In addition, the King gives due consideration to the Basic Law, the laws associated with the Council of Ministers, and the Consultative Council in exercising his statutory functions.¹⁵⁶

¹⁴⁸ *Law of the Council of Ministers* (n 138) arts 19, 20.

¹⁴⁹ The Embassy of the Kingdom of Saudi Arabia, 'Council of Ministers System' (Web Page) <<https://www.saudiembassy.net/council-ministers-system-0>>.

¹⁵⁰ *Ibid.*

¹⁵¹ *Law of the Council of Ministers* (n 138) art 18.

¹⁵² *Basic Law* (n 126) art 7.

¹⁵³ 'Bureau of Experts: Bureau History', *Bureau of Experts at the Council of Ministers* (Web Page, 24 April 2018) <<https://www.boe.gov.sa/en/about/Pages/default.aspx>>.

¹⁵⁴ Ansary (n 141).

¹⁵⁵ Royal Decree No 19746 (20 March 1960).

¹⁵⁶ *Basic Law* (n 126) art 67.

Any new bills or amendments proposed by the Consultative Council are first reviewed by the King, who then selects those to be referred to the Council of Ministers for further deliberations.¹⁵⁷ Upon adoption of such bills or amendments by the Council of Ministers, the King's approval is obtained for the final resolutions to be issued.¹⁵⁸ Similarly, any bills or amendments introduced by the Council of Ministers are subject to the King's review and approval for them to be considered further by the Consultative Council.¹⁵⁹ In a situation where the two councils differ on their opinions regarding sponsored bills or amendments, the issue is referred back to the Consultative Council for additional consideration.¹⁶⁰ The decision reached by the council is then presented to the King to assert final resolution.¹⁶¹

As obtained in other jurisdictions, the judiciary organ of government in the KSA has the major role of applying the legislation or laws in settling specific criminal and civil cases or disputes.¹⁶² Prior to the most recent overhauling of the KSA judiciary system on October 2007, this organ of government was divided into a Supreme Judiciary Council, Courts of Appeal, and Courts of First Instance, including general and summary courts.¹⁶³ However, the 2007's Royal Decrees issued by King Abdullah led to major reforms of the country's judiciary system of government.¹⁶⁴ The three tiers of the judiciary court system are High Court; Court of Appeals (Courts of Cassation); and First-Degree Courts that include General, Criminal, Personal Status, Commercial, and Labour Courts.^{165,166} The basic structure of the KSA court system is shown in Figure 2.1 below. The judiciary administers the laws or regulations enacted by the legislative arm of government with the final approval of the King.¹⁶⁷ The High Court has the power to

¹⁵⁷ 'Bureau of Experts: Bureau History' (n 153).

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ Ayoub M. Al-Jarbou, 'Judicial Independence: Case Study of Saudi Arabia' (2004) 19 Arab Law Quarterly 5

¹⁶¹ Ibid.

¹⁶² Joseph Kéchichian, *Legal and Political Reforms in Saudi Arabia* (Routledge, 2012) 3.

¹⁶³ Ansary (n 141).

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ The courts are arranged in order of hierarchy. The High Court is the highest court of the country, followed by the Courts of Appeals and First-Degree Courts.

¹⁶⁷ Ansary (n 141).

review and order a retrial of a case that has been stricken off earlier due to the plaintiff's absence from court hearings without acceptable excuses.

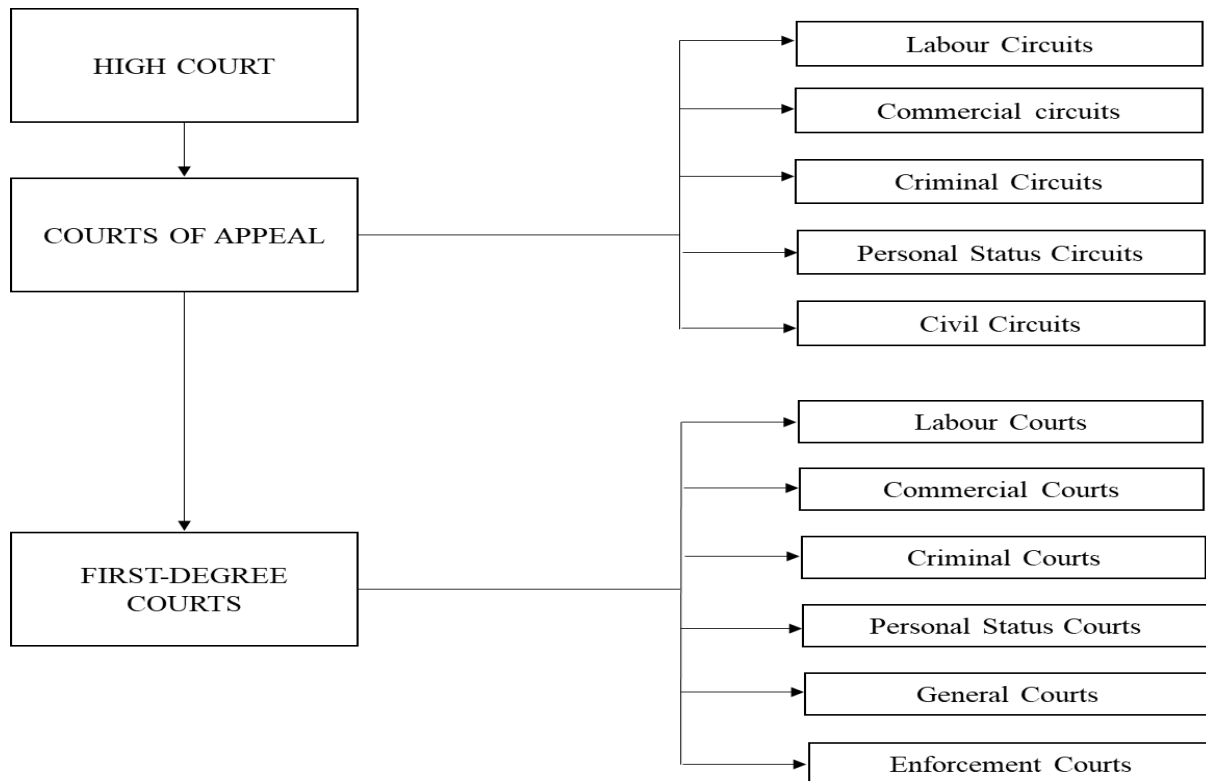


Figure 3.1. The basic structure of the KSA court system

The High Court is the KSA highest court, playing the key role of supervising the execution of Sharia law and other regulations enacted by the legislature and sanctioned by the King.¹⁶⁸ This court passes decisions on cases that fall within its jurisdiction in line with Sharia law.¹⁶⁹ The court also functions in the area of reviewing matters that have been determined by the Courts of Appeal, especially those relating to major offences.¹⁷⁰ Moreover, judgements pronounced by the Court of Appeals without prior reference are reviewed by the High Court to ensure such judiciary decisions follow appropriate procedures and do not violate the provisions of Sharia or other regulations pronounced into law by the King.¹⁷¹ The High Court has a General Council that is chaired by the president of the court.¹⁷² The Council is saddled with the responsibility of

¹⁶⁸ 'Bureau of Experts: Bureau History' (n 153).

¹⁶⁹ Ibid.

¹⁷⁰ *Law of the Judiciary 2007* (Kingdom of Saudi Arabia), Royal Decree No M/64 (23 July 1975) art 49 ('*Law of the Judiciary*').

¹⁷¹ Ibid art 11.

¹⁷² Ibid art 49.

establishing standard principles and precedents that lower courts follow and consider in making judgements regarding other issues addressed by the Law of the Judiciary and other legislation.¹⁷³

Resolutions of the General Council are considered valid if made by a majority vote of its members in attendance.¹⁷⁴ In the case of a tie, the highest-ranking judge during the court sitting has a casting vote.¹⁷⁵ All verdicts delivered by the High Court's General Council are final.¹⁷⁶ In a situation where one of the High Court circuits decides that it is logical to depart from an original interpretation that the same or a different division of the Court has adopted in earlier judgments, such a case is referred to the President of the High Court, who will then present it to the Court's General Council to make a final pronouncement on it.¹⁷⁷

Courts of appeal are the second highest in the hierarchy of the KSA court system after the High Court, with authority to review decisions of lower courts.¹⁷⁸ The Law of the judiciary of 2007 stipulates the establishment of one or more of the courts of appeal in each of the country's provinces. Each court operates via specialised circuits that include labour, commercial, criminal, personal status and civil.¹⁷⁹ Each court of appeal consists of a three-judge panel. The criminal division of the court has the authority to review judgments in lawsuits involving specific major offences, such as those attracting death sentence (*qisas*), penalties mandated and fixed by God in the Qur'an (*hudud*) and punishments that are subject to the judge's discretion (*ta'zir*).¹⁸⁰ Specialised appeal circuits are normally located within the regions of each province where a court of appeal is situated.¹⁸¹ Each of the courts of appeal divisions comprises a chief judge, chosen by the court's president, and members with a rank of an appellate judge.¹⁸²

¹⁷³ Ansary (n 141).

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ *Law of the Judiciary* (n 170) art 13.

¹⁷⁸ Ibid art 14.

¹⁷⁹ Ibid art 16.

¹⁸⁰ Ibid art 165(1).

¹⁸¹ Ibid art 165(2).

¹⁸² Ansary (n 141).

Cases decided at a particular specialised lower court (for example, labour court) can be appealed and heard at the corresponding court of appeal (labour circuit in this instance).¹⁸³ However, it should be noted that despite their designation, these courts do not perform functions excepted of appellate courts in common law.¹⁸⁴ For instance, they do not examine the merit of cases already decided at the lower courts and make superior valid judgements on them.¹⁸⁵ Instead, they refer such cases for a retrial at either the same lower courts that have given verdicts on them or different ones.¹⁸⁶ Two courts of appeal are currently in existence in the KSA. There is one in Makkah that has jurisdiction to hear appeals over judgements made at lower courts within western provinces and another in Riyadh, which receives appeals from decisions of lower courts located in the central and eastern provinces.¹⁸⁷ Judgements pronounced by the lower courts are appealable except those relating to small cases as defined by the Supreme Judicial Council.¹⁸⁸

First-degree courts are the lowest ranked in the hierarchy of the court system in the KSA. They are normally established in the provinces, governorates and districts, depending on the need for them.¹⁸⁹ First-degree courts are categorised into general, criminal, commercial, labour, personal status and enforcement courts.¹⁹⁰ Each court has a bench of either a single or three judges, as mandated by the Supreme Judicial Council.¹⁹¹ Moreover, the Supreme Judicial Council stipulates the constitution of the single-judge general courts.¹⁹² However, without bias to the Law of the Board of Grievances of 2007, first-degree courts usually have jurisdiction

¹⁸³ 'The Judicial System of the Kingdom of Saudi Arabia', *BSA* (Web Page, 2019) <<https://bsabh.com/the-judicial-system-of-the-kingdom-of-saudi-arabia/>>.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

¹⁸⁸ *Law of Procedure before Shari'ah Courts* (Kingdom of Saudi Arabia), Royal Decree No M/21 (19 August 2000) art 185.

¹⁸⁹ *Law of the Judiciary* (n 170) art 49(18).

¹⁹⁰ *Ibid* art 15.

¹⁹¹ *Ibid* art 19.

¹⁹² *Ibid.*

over all legal cases and crimes in line with the court jurisdictional rules as required by Law of Procedure guiding Sharia Courts and the Law of Criminal Procedure of 2013.¹⁹³

3.4 Disabled Persons under the KSA Legal System

The term disability or disabled persons cannot be found in either the Qur'an or Sunnah, but although the concept is not stated, specific disabilities are recognised.¹⁹⁴ However, there is a commandment in the Qur'an requiring society to offer support to the disadvantaged and needy individuals lacking social, economic, and physical capacity essential to meet reasonable demands necessary to live in their communities.¹⁹⁵ The Qur'an uses specific words to describe disabled persons such as 'a'ma' for blind, 'a'raj' for lame, 'asamm' for the deaf, 'abkam or akhras' for mute, and 'majnun' for a mental illness.¹⁹⁶

The Sharia law governing the KSA society makes references to individuals with disabilities.¹⁹⁷ The Qur'an, the cornerstone of Sharia law, does recognise not only the existence of disabilities in human composition but also contains principles and recommendations for taking care of disabled persons as well as the importance of such action.¹⁹⁸ To demonstrate the significance of caring for disabled persons, the Qur'an (94:5) states that 'with every hardship there is relief'. In addition, the Qur'an (24:61) offers the following broad statement to emphasise the importance of caring for disadvantaged or disabled persons:

There is not upon the blind [any] constraint nor upon the lame constraint nor upon the ill constraint nor upon yourselves when you eat from your [own] houses or the houses of your fathers or the houses of your mothers or the houses of your brothers or the houses of your sisters or the houses of your father's brothers or the houses of your father's sisters or the houses of your mother's brothers or the houses of your mother's sisters or [from houses] whose keys you possess or [from the house] of your friend. There is no blame upon you whether you eat together or

¹⁹³ Ibid art 25.

¹⁹⁴ Maysaa Bazna and Tarek Hatab, 'Disability in the Qur'an: The Islamic Alternative to Defining, Viewing, and Relating to Disability' (2005) 9(1) *Journal of Religion, Disability & Health* 5.

¹⁹⁵ *Basic Law* (n 126) art 49.

¹⁹⁶ Rispler-Chaim (n 37).

¹⁹⁷ Al-Jadid, 'Disability in Saudi Arabia' (n 46).

¹⁹⁸ Hiam Al-Aoufi, Nawaf Al-Zyoud and Norbayah Shahminan, 'Islam and the Cultural Conceptualisation of Disability' (2012) 17(4) *International Journal of Adolescence and Youth* 205.

separately. But when you enter houses, give greetings of peace upon each other – a greeting from Allah, blessed and good. Thus does Allah make clear to you the verses [of ordinance] that you may understand.

Sharia law does not support any form of discrimination against disabled persons with several Qur'an verses providing a statement of equality. For example, the Qur'an (2:195) states that 'The one who stays with the one who is sick and takes care of him and looks after him has done good by serving him and caring for him.' The Prophet Mohammed asked his followers to give due consideration to disabled persons by stating 'If anyone of you leads people in prayer, he should shorten it for amongst them are the weak, the sick and the old.' (Hadith al-Bukhari, 1:11:671). The Qur'an (39: 10) furthermore, suggests the importance of having patience with disabled persons by stating 'The one who takes care of one who is sick must have the characteristic of patience because of what he will encounter of difficulty in staying up at night, and watching and tending to the one who is sick.' The examples underscore the responsibility that Sharia law places on society to care for disabled persons.

3.5 Disability Legislation in the KSA

The first disability law, Royal Decree No. 1219, was enacted in 1956 to protect the rights of disabled persons in the KSA.¹⁹⁹ The Royal Decree No. 1219 stipulates the establishment of a committee of nine members drawn from three ministries (labour, health, and education).²⁰⁰ The role of the committee, according to the law, is to advise the government on the healthcare, education, training, rehabilitation, and social wellbeing of persons with disabilities in the country.²⁰¹ Additionally, this committee is responsible for conducting studies and exchanging research ideas related to disability.²⁰²

Another disability-related law in the KSA is contained in The Royal Decree No. M/21 (Labor and Workmen Law) released in the government gazette of 15 November 1969 based on the

¹⁹⁹ Mohammad Mulazadeh and Talal Al-Harbi, 'Design of the Built Environment and the Integration of Wheelchair Users in the Kingdom of Saudi Arabia: Commentary and Exploratory Study' (2016) 22(2) *Journal on Developmental Disabilities* 121.

²⁰⁰ Ibid.

²⁰¹ Japan International Cooperation Agency, 'Country Profile on Disability: Kingdom of Saudi Arabia' (Report, March 2002) <https://ecommons.cornell.edu/bitstream/handle/1813/76489/Kingdom_of_Saudi_Arabia.pdf>.

²⁰² Ibid.

Resolution of the Council of Ministers No.745.²⁰³ This legislation makes a provision for vocational rehabilitation of disabled persons in the country towards supporting their return to work life.²⁰⁴ The purpose of this law is to protect the employment rights and employability of disabled the KSA.²⁰⁵ For instance, Article 53 of the decree empowers the country's Minister of Labor in collaboration with other ministries and employers having at least 50 workers to establish vocational training services for disabled individuals.²⁰⁶ The disabled persons who undergo such rehabilitation training are required by the law to be awarded certificates of completion certifying them as suitable for some forms of work based on the Minister's decision.²⁰⁷ Article 54 of the law states the following²⁰⁸:

Any employer who employs 50 or more workmen, and the nature of whose work allows him to employ disabled workmen who have been vocationally rehabilitated, shall employ such workmen to the extent of 2% of the total number of his workmen, whether through nomination by the employment offices or otherwise. He shall send to the said office a statement indicating the jobs and positions occupied by disabled workmen who have been vocationally rehabilitated and the pay rate of each such workman.

In addition, the decree requires the affected employers to furnish the employment offices with the details of their disabled employees, including the nature of jobs, positions occupied by them and their pay rates.²⁰⁹ The implementation of Royal Decree No. M/21 has encouraged employers in the KSA to employ more disabled individuals in the country, thereby leading to their improved wellbeing and standard of living.²¹⁰ Two supplemental Council of Ministers' Resolutions were passed between 1973 and 1974 to improve the implementation of Royal Decree No. M/21. The Council of Ministers Resolution No.407 of 1973 makes a provision for

²⁰³ *Labor and Workmen Law* (Kingdom of Saudi Arabia), Royal Decree No M/21 (15 November 1969).

²⁰⁴ Ansary (n 141).

²⁰⁵ *Ibid.*

²⁰⁶ *Labor and Workmen Law* (n 203) art 54.

²⁰⁷ Ansary (n 141).

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid*

²¹⁰ Salah Madhi and Armando Barrientos, 'Saudisation and Employment in Saudi Arabia' (2003) 8(2) *Career Development International* 70.

monthly allowances for persons with disability participating at the vocational rehabilitation training.²¹¹ The Council of Ministers Resolution No.715 mandates that persons having medical conditions including paraplegics, epilepsy, and other serious health issues should be rehabilitated by the Ministry of Health (MOH).²¹²

In 1976, Decree No.129 was enacted.²¹³ This legislation improved on Royal Decree No. M/21 by establishing policy for the General Department of Rehabilitation under the control of the Ministry of Human Resources and Social Development (MHRSD).²¹⁴ This law mandated the creation of two separate disability programs: one for disabled persons that have the capacity to undergo vocational training, and another for those with no chance of being returned to work but offered specialised health and psychological rehabilitation services.²¹⁵ An amendment was made to Royal Decree No. 129 with the passage of the Council of Ministers Resolution No. 219 in 1980.²¹⁶ The resolution required the General Department of Rehabilitation to offer a yearly contribution of 30,000 Saudi Riyals to existing disability projects initiated by disabled persons or groups.²¹⁷ This legislation was targeted at making life more comfortable for disabled individuals in the country.²¹⁸ The Council of Ministers Resolution No. 187 of 1981 also improved on The Royal Decree No. 129 by offering 50% discounts on public transportation to disabled persons and their companions.²¹⁹

The Council of Ministers Resolution No.85 came into effect in 1997.²²⁰ This resolution established the Persons with Disabilities Services Coordination Committee comprising of members drawn from King Saud University and Presidency of Girls' Education. 221 It stipulates that the government should make donations to families of disabled persons and raise

²¹¹ Japan International Cooperation Agency (n 201) 11.

²¹² Bazna and Hatab (n 194).

²¹³ Japan International Cooperation Agency (n 201) 11.

²¹⁴ Ibid 12.

²¹⁵ Ibid 12.

²¹⁶ Rispler-Chaim (n 37).

²¹⁷ Ibid.

²¹⁸ Michael O'Kane, Saudi Arabia *Labor Law Outline* (Al-Andalus Publishing, 2014).

²¹⁹ Ibid.

²²⁰ Japan International Cooperation Agency (n 201) 13.

²²¹ Ibid.

awareness about disability, including means of preventing it.²²² In 1999, the Council of Ministers Resolution No.7, a revised version of the Council Ministers Resolution No. 219, was passed.²²³ This resolution increased the annual government donation for disability projects aimed at training disabled persons and making life better for them to 50,000 Saudi Riyals from the previous RS 30,000.²²⁴

To further enhance the living conditions of disabled persons and address the problem of disability in the KSA, Royal Decree No. M/37, otherwise known as the Disability Welfare Law, was enacted in 2000.²²⁵ This law was established by the Council of Ministers Resolution No. 224.²²⁶ Article 2 of the law states the following:

The Government shall guarantee the prevention, welfare and habilitation services to persons with disabilities and their families and will encourage institutions and individuals to contribute to charitable activities within the field of disability.

The decree places an obligation on the KSA government to provide services in the medical, educational, training and habilitation, employment, social, culture and sports, and information are as, and complementary services such as transportation, caregiving, and offering of technical aids to persons with disabilities.²²⁷ The law demands that the government deliver health services such as genetic counselling, laboratory testing, and other important medical interventions to disabled persons.²²⁸ In addition, children at risk or born with a disability are required to be registered for follow-up monitoring of their conditions as well as providing valuable information about them to the concerned authorities for proactive actions.²²⁹ The

²²² Ibid

²²³ Al-Jadid, 'Disability in Saudi Arabia' (n 46).

²²⁴ Ibid.

²²⁵ *Disability Law* (Kingdom of Saudi Arabia), Royal Decree No M/37 (19 December 2000) art 2 ('*Disability Law*').

²²⁶ Ibid.

²²⁷ Ibid art 2.

²²⁸ Ibid.

²²⁹ Ibid.

health management also includes training for medical and paramedical professionals, and caregivers in order to build their capacity to offer safe and quality care to disabled persons.²³⁰

Another provision within the law stipulates that government should design and provide different levels of education (including pre-school, elementary, high school, vocational training, and tertiary education) that are appropriate to disabled persons based on their individual needs.²³¹ This legislation requires the Kingdom government to ensure that comprehensive vocational training and habilitation services are accessible to the KSA with disabilities to enhance their employability. Moreover, the decree mandates the government to assist in providing job opportunities to disabled persons and helping them remain employed through ongoing development training, so that they can continue to earn living wages.²³² Article 2 of the law also directs the government to provide social programmes that can help disabled people integrate into society naturally without any obstacles.²³³

The provision of cultural and sporting resources that are suitable for disabled persons is also included in the law as a means of encouraging their participation in these activities (both indoor and outdoor) to help their psychological and emotional development.²³⁴ The law places a duty on the KSA government to utilise mass media to create awareness on issues pertaining to disability, such as the types and causes, diagnosis, and preventive measures of the conditions.²³⁵ Other complimentary services such as easy and affordable public transportation, day-care or caregiving, and technical aids are to be provided by the government to individuals with a disability according to the law.²³⁶

The KSA established the Human Rights Commission (HRC) which is responsible for safeguarding the rights of all citizens in the country in all fields and increasing awareness to ensure fulfilment of the rights according to Islamic Law provisions.²³⁷ The HRC was

²³⁰ Ibid.

²³¹ 'Disability Code', *King Salman Center for Disability Research* (Web Page, 2019) art 2 <<https://www.kscdr.org.sa/en/disability-code/>>.

²³² *Disability Law* (n 225) art 2.

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ 'Human Rights Commission', *Kingdom of Saudi Arabia Human Rights Commission* (Web Page, 2021) <<https://hrc.gov.sa/en-us/aboutHRC/AboutHRC/Pages/HRCvision.aspx>>.

established in 2005 by the decision made by the Council of Ministers. The HRC works independently of the KSA government and has the main mandate of protecting and promoting human rights according to international standards. It ensures that all the government agencies fulfil the laws and regulations based on human rights.²³⁸ In its governance structure, there is a board of directors with a head and its membership is full or part-time. Its members are appointed by the presidents and can be dismissed by a royal order. For the persons with disability, there are several efforts undertaken to promote and safeguard their rights. The HRC works in compliance with vision 2030 of the KSA, which involves enabling persons with disabilities to acquire job opportunities and education for them to live independent lives and also be effectively integrated into the society.²³⁹ In line with Vision 2030 the HRC established the Authority for the Care of Persons with disabilities based on the resolution no. 266 of the Council of Ministers. The HRC also works in collaboration with the health, educational, training and rehabilitation, career, social, cultural, and complementary services fields to help in promoting the rights of persons with disability. In the education field, the HRC requires schools to integrate students with disabilities in general education settings through partial or full inclusion into classrooms with other students, but with supportive services for the students to keep pace with their peers. The HRC also requires schools to meet the basic needs of persons with disabilities such as making the appropriate adjustments, removing mobility barriers, and how to make use of all facilities and services as offered in the schools. For the training and rehabilitation field, the HRC requires the involved training centres by providing services that align with the type and level of disability as well as the requirements in the job market, and also providing vocational and social rehabilitation centres.²⁴⁰

Article 3 of the Disability Welfare Law empowers the Supreme Council of the KSA to ensure that government authorities comply with and strictly apply the regulations of the legislation.²⁴¹ Specifically, the article asks the Council to ensure that disabled persons have comfortable access and movement in centres such as educational institutions, hospitals or medical facilities,

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ 'Disability Code' (n 231) art 3.

habilitation, training, welfare, and public places.²⁴² The Supreme Council has to ensure that the concerned authorities provide personnel that are trained in the field of disability as well as facilitate the exchange of ideas with other countries towards delivering quality services to disabled persons in the country.²⁴³ Article 5 of the law mandates the government to offer adequate soft loans for disabled persons to establish businesses as a means of livelihood.²⁴⁴ Also, Article 6 of the Disability Welfare Law stipulates an exemption of technical aids and devices being used by disabled individuals from custom duties.²⁴⁵ Article 7 of the same law requires the relevant authorities to set up disability trust funds in which endowments, donations, and other related revenues should be deposited.²⁴⁶

3.6 Disability Policies in the KSA

The KSA government has, over the years, been developing some policies to support and improve the quality of life for disabled persons in the country. Between 1995 and 2000, the KSA government implemented a policy tagged ‘The Six Development Plan’ within its National Development Plan.²⁴⁷ The policy incorporated efforts aimed at monitoring the wellbeing of disabled persons in the KSA and providing them with necessary healthcare in the process.²⁴⁸ In the subsequent policy entitled ‘The Seventh Development Plan’ covering a duration between 2001 and 2005, the government developed strategies designed to encourage the participation of private sector organisations such as co-operative and charity organisations in establishing and running disability rehabilitation centres.²⁴⁹

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ *Disability Law* (n 225) art 7.

²⁴⁷ Japan International Cooperation Agency (n 201) 11.

²⁴⁸ Ibid.

²⁴⁹ Ibid.

3.6.1 Employment Policies for Disabled Persons in the KSA

Over the years, the MHRSD has continued to develop and implement employment policies to boost job opportunities for disabled persons in the KSA. One of such policies was formulated in 2013 to assist about 100,000 out of 183,000 disabled persons registered as searching for jobs in the country.²⁵⁰ These 100,000 disabled persons were identified as capable of working if they were supported with adequate occupational training and guidance.²⁵¹ The employment empowerment policy, named Tawafuq, was introduced by the government to encourage private organisations to offer job opportunities for disabled persons in the country.²⁵² This policy received the support of the Human Resource Development Fund, the Social Charity, the General Organisation for Social Insurance, and the Social Development Bank, based on the Tawafuq core principles.²⁵³ The principles of the policy relate to rights, inclusion, skills, and disability confidence.²⁵⁴

The first principle, rights, serves the purpose of promoting every disabled person's right to equal employment opportunities as other Saudi citizens and encourages acts that eliminate discrimination and exclusion of disabled persons.²⁵⁵ The strategy encourages employers to comply with disability laws and regulations, such as Article 54 of the law, to foster work environments that do not discriminate against disabled persons, give them confidence, and include them in the development of workplace health and safety standards.²⁵⁶ The second principle of the policy, inclusion, aims to provide disabled persons with a sense of belonging within the KSA workplace by making them become active contributors to the economic development of the community.²⁵⁷ For example, the policy encourages private organisations to

²⁵⁰ Courtney Trenwith, 'Saudi Looks to Put 100,000 Disabled People in Jobs', *Arabian Business* (Web Page, 21 Feb 2013) <<https://www.arabianbusiness.com/saudi-looks-put-100-000-disabled-people-in-jobs-490450.html>>.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ 'Tawafuq', *Human Resource Development Fund* (Web Page, 2019) <https://www.hrdf.org.sa/Page/Tawafuq_EN>.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

comply with the Universal Accessibility Building Environment Guidelines, which help disabled persons to have access to workspaces without a problem.²⁵⁸

The third principle, skills, emphasises discovering the specific skills and abilities of disabled persons.²⁵⁹ Moreover, this policy's goal is to support the talent and personal development of disabled persons to enhance their greater participation in the economic growth of society.²⁶⁰ The fourth principle of the policy, disability confidence, focuses on encouraging private organisations to ensure disabled persons have the same equal opportunity as everyone else by offering them support services and accommodation.²⁶¹ Such provisions are targeted at assisting them in accessing work environments with less stress.²⁶² Moreover, this policy principle is designed to foster independence and inclusion of disabled persons in workplaces throughout the KSA.²⁶³

3.6.2 Social Support Policies for Disabled Persons and their Caregivers

There are several policies designed to provide a range of social supports to help disabled persons, their families, and carers maintain independent daily living and regularly participate in various activities within their communities. These policies have been developed through the joint efforts of the KSA Ministries of Human Resources and Social Development, Education, and Health. These policies advocate for specialist disability services, such as those relating to social, educational, and vocational training and job enhancement, medical rehabilitation, and community-based rehabilitation for disabled persons in the KSA. The primary objective of social support policies is to either enhance the daily functioning of disabled persons or help their reintegration into social life.

²⁵⁸ Prince Salman Center for Disability Research, 'Universal Accessibility Built Environment Guidelines for the Kingdom of Saudi Arabia 1431H - 2010 G' (Guidelines, Prince Salman Center for Disability Research, 2010) <<http://v2.kscdr.org.sa/media/16933/uap-be-en.pdf>>.

²⁵⁹ 'Tawafuq' (n 253).

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Ibid.

The policy relating to social services recognise that disabled persons require specialised support to perform daily activities such as work, religious, and social functions.²⁶⁴ Therefore, this policy is designed to achieve the aim of helping disabled persons and their caregivers maintain their daily life. As part of this policy, disabled persons, and their caregivers (i.e. family members or carers) are entitled to subsidised transport fares when they travel together, using any mode of transportation in the KSA.²⁶⁵ The KSA government makes a provision for monthly payments to be made to disabled persons and families or caregivers offering care to them.²⁶⁶ The disabled persons are provided with financial support to help them execute small personal projects. Furthermore, assistive devices are supplied to disabled persons at no cost. They are exempted from fees such as visa costs for their employed private drivers and nurses, in compliance with Council of Ministers Decision No. 229 (2010).²⁶⁷ The government offers material and organisational support to charitable entities operating in disability-related services.²⁶⁸

There is a specialised educational policy targeted at helping disabled persons reach their full potential by acquiring high-quality education that is structured to meet their specific needs.²⁶⁹ The educational policy in the KSA emphasises the need for disabled persons to have the same educational outcomes as others.²⁷⁰ Moreover, the policy advocates that disabled persons with a capacity to learn should be provided with equitable educational opportunities.²⁷¹ Importantly, the policy recommends the creation of an educational setting that is suitable for the needs of disabled persons.²⁷² Disabled persons are given freedom to either attend special education

²⁶⁴ Ministry of Human Resources and Social Development, 'Social Development' (Web Page, 30 April 2020) <<https://hrsd.gov.sa/en/services/613>>.

²⁶⁵ Ministry of Human Resources and Social Development, 'Digital Certificates Service for Traffic Facilities for People with Disability', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/queries/digital-certificates-service-traffic-facilities-people-disabilities>> ('Digital Certificates Service').

²⁶⁶ Committee on the Rights of Persons with Disabilities, *Consideration of Reports Submitted by States Parties under Article 35 of the Convention. Initial Reports of States Parties due in 2010: Saudi Arabia*, UN Doc CRPD/C/SAU/1 (16 November 2015) <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSAU%2f1&Lang=en>.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Ministry of Education, 'Ministry Strategy' (Web Page) <<https://www.moe.gov.sa/en/TheMinistry/AboutMinistry/Pages/MinistryStrategies.aspx>>.

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid.

programmes or integrated mainstream ones, which are non-discriminatory, consider the rights of disabled persons to self-determination and are fully integrated into society.²⁷³ Moreover, the KSA government has continued to take action to fulfil its goal towards providing high-quality education for disabled persons, such as the establishment of several special disability schools and vocational training institutions across the country.²⁷⁴

To meet its obligation under The Royal Decree No. M/21 (Labor and Workmen Law) of 1969, the government developed a vocational training and job enhancement policy. This policy serves the purpose of increasing disabled persons' chances of accessing employment opportunities, thereby achieving improved economic security and comfort.²⁷⁵ As part of the policy, the government, through the joint partnership of the MHRSD and the Ministry of Education (MOE), has established various vocational rehabilitation centres and has supported initiatives of the private sector to promote skills acquisition through vocational training for disabled persons with a capacity to work.²⁷⁶ Additionally, a policy relating to medical and community-based rehabilitation is in place in the country to assist disabled persons' highest possible health outcomes throughout their lifespan.²⁷⁷ To achieve this objective, the government strategy has been to improve funding towards the establishment and effective operation of several state-of-the-art medical rehabilitation facilities for disabled persons in the country such as the Rehabilitation Hospital of King Fahad Medical City, the King Saud Medical Complex, and the Rehabilitation Hospital of Al-Hada Military Hospital.²⁷⁸ Furthermore, the government has been partnering with WHO to plan and implement community-based rehabilitation to support the total wellbeing of disabled persons and help them become active members of their community.²⁷⁹

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ Ministry of Human Resources and Social Development, 'Employment Strategy', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/page/employment-strategy>>.

²⁷⁶ Ibid.

²⁷⁷ Prince Sultan City for Humanitarian Services, 'Rehabilitation Programs and Services' (Web Page) <<https://humanitariancity.org.sa/RehabProg/Pages/default.aspx>>.

²⁷⁸ Ministry of Health, 'Annual Statistical Book: 2017 G' (Report, Ministry of Health, 2017) <<https://www.moh.gov.sa/en/Ministry/Statistics/book/Documents/ANNUAL-STATISTICAL-BOOK-1438H.pdf>>.

²⁷⁹ Japan International Cooperation Agency (n 201).

3.6.3 Policies on Rights of Disabled Persons in the KSA

The KSA government has some provisions on the rights of disabled persons, as evident in Article 27 of the Saudi Basic Law. This article guarantees the rights of all citizens alongside their families, in the event that there is a disability.²⁸⁰ Additionally, the system of care for persons with disabilities was initiated by Royal Decree No. (M/ 37) of 2000; which ensures that disabled persons are protected and their right are promoted.²⁸¹ The Disability Code of 2000 emphasized equal access to free and appropriate medical, psychological, social, educational, and rehabilitation services in their access to public agencies.²⁸² At a later date, the Saudi Building Code of 2007 was developed, which requires buildings to be accessible, though it does not have specific details of what ought to be done.²⁸³ Also, the KSA has its laws anchored in Islamic Law, which emphasises that disabled persons must have their rights and be allowed to live in dignity as they benefit from the Kingdom's social welfare.

The KSA government, in 2008, ratified the United Nations CRPD.²⁸⁴ The country has an obligation, under the Convention, to guarantee, encourage, and acknowledge the entitlement of disabled persons to the same human rights and fundamental freedoms as non-disabled individuals, without discrimination based on their disability.²⁸⁵ To fulfil this requirement, the KSA has prioritised the care, promotion, and protection of the rights of disabled persons in the country.²⁸⁶ Similar provision is already made in Article 26 of the Basic Law of Governance, which states that “the State shall protect human rights in accordance with the Islamic sharia. Article 27 also requires the government to ‘guarantee the rights of its citizens and their families in cases of emergency, sickness, incapacity and old age, support the social security system and encourage institutions and individuals to participate in charitable work. The KSA has recently established a Committee for the Coordination of Services for Persons with Disabilities pursuant

²⁸⁰ *Basic Law* (n 126).

²⁸¹ Turki Alquraini, ‘Special Education in Saudi Arabia: Challenges, Perspectives, Future Possibilities’ (2010) 25(3) *International Journal of Special Education* 139.

²⁸² *Ibid* 149.

²⁸³ *Saudi Building Code 2007* (Kingdom of Saudi Arabia) reg 301 (‘*Saudi Building Code*’).

²⁸⁴ Majed A Alsalem, ‘Towards New Disability Paradigms: Generating Equality in Saudi Arabian Policy in Light of the Convention on the Rights of Persons with Disabilities’ (2021) *International Journal of Disability, Development and Education*, 1.

²⁸⁵ *Convention on the Rights of Persons with Disabilities*, 30 March 2007, A/RES/61/106 (3 May 2008).

²⁸⁶ *CRPD*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) (‘*CRPD*’).

to Council of Ministers Decision No. 202 (2014).²⁸⁷ This committee is set up to supervise the activities of government agencies responsible for delivering various services to disabled persons, so that they can access such services effortlessly.²⁸⁸

The KSA legislation and judicial procedures recognise the rights of disabled persons on every ground, without discrimination either directly or indirectly, thereby complying with Article 5 of CPRD.²⁸⁹ For example, disabled persons are not in any way impeded from attaining senior or management roles in the Civil Service, as appointments to these positions are solely based on competencies.²⁹⁰ Also, the disabled can hold political positions. For instance, they can be appointed to the post of Grand Mufti or as members of the Shura Council following the provisions of Article 29 of CPRD regarding participation in political and public activities.²⁹¹ As stated in article 47 of the Basic Law of Governance: ‘All citizens and residents of the KSA have a guaranteed equal right to seek legal remedy and the requisite procedures therefore shall be prescribed by law.’ Therefore, disabled persons, like other Saudi citizens and residents, are assured equal recognition before the courts and entitled to the same justice in conformity with CPRD.²⁹² Despite the existing disability legislation and judicial procedures in support the rights of disabled individuals, they continue to face various forms of discrimination and exclusion, varying from the denial of equal educational and employment opportunities to separation and social isolation caused by physical and social barriers.

The KSA State derives its constitutional legitimacy from the principles of the Qur'an and the Sunna. As such, disability policies and related legislation reflect the core principles of Sharia law and are designed to protect the rights of disabled persons. Concerning the policies for disabled persons' rights in the Basic Law, it might be argued that these specific rights are recognised in the Basic Law's principles of equality and justice. Nevertheless, an examination of these texts and the way they are enforced in the Basic Law yields no clear mention of equality between all people. There is no mention of the prohibition of discrimination based on race, color, or disability, for example. Because they concern constitutional rights in general, these

²⁸⁷ Ibid.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Ibid.

²⁹² Ibid.

texts pertain to the protection of human rights and justice within the Sharia framework. For these rights to be enforced, the constitution needs to have more processes and procedures for protecting the rights of the people, and this will have a positive effect on the implementation of the regulations and policies in the country. One may argue that protection of human rights and equality in line with Sharia have already been stated in the Basic Law. Indeed, Islamic Sharia has clearly addressed these issues and has an extremely good background for dealing with international human rights issues in terms of having and protecting human rights and liberties. However, the issue here is not the codification and regulation of Islamic Sharia but rather the necessity for adequate safeguards and anti-discrimination measures in the Basic Law's principles. Therefore, the rights of disabled people need to be given constitutional recognition, and there must be guarantees for their equality and for judicial action. This would make the disability laws more effective in terms of enforcement and identifying breaches of the law, which exist in several modern countries.

3.6.4 The KSA Current Disability Strategies

The current disability policies of the KSA government are contained in the National Transformation Program with delivery plan slated for between 2018 and 2020.²⁹³ One of the strategic objectives is to improve social empowerment for disabled persons and to involve both private and non-profit sectors in their management.²⁹⁴ The government has developed some essential initiatives towards achieving this objective. One of such plans involves arrangements by Ministries of Health and Education to build collaboration with private and non-profit sectors to identify models and improve social care services being offered to disabled persons in rehabilitation centres. For example, there are plans to renovate existing buildings, build the capacity of disability professionals by providing them with adequate training, and involve private or non-profit organisations to ensure effective management of these centres.²⁹⁵ Another government strategy is directed towards identifying and developing daycare services for disabled persons with the involvement of both private and non-profit organisations following international standards.²⁹⁶

²⁹³ 'National Transformation Program', *Vision 2030* (Web Page, 2018) <<https://www.vision2030.gov.sa/v2030/vrps/ntp/>>.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

Another strategic objective of the KSA National Transformation Program is to enable the integration of disabled persons in the country's job market by eliminating barriers to their employability and providing them with opportunities and infrastructure required to boost their professional and social skills.²⁹⁷ The strategy aims to increase labour market participation of disabled persons from 7.7% in 2017 to 12.4% by 2030.²⁹⁸ Some initiatives have been put in place by the government to realise this goal. They include the development of rehabilitation and employment programs for disabled persons, to help them adapt to the needs of the current labour market, in line with the National Strategy for Persons with Disabilities.²⁹⁹ Also, the empowerment of businesses and community to develop suitable buildings, technical, and information infrastructure as well as create awareness towards providing opportunities for disabled persons in the labour market.³⁰⁰ Lastly, the government plans to improve existing legislation and policies to favour enhanced employment opportunities for disabled persons in the KSA.³⁰¹

3.7 Administration of Disability Services in the KSA

Disability-related services in the KSA are mainly developed and administered by the country's MHRSD, MOH, and MOE. The MHRSD coordinates activities designed, among others, to support vocational rehabilitation and social readjustment for disabled persons in the KSA.³⁰² The MOH delivers specialised healthcare services to disabled persons to improve their quality of life and health outcomes.³⁰³ The MOE supports disabled persons in the country by providing them with educational programmes.³⁰⁴ The disability services that are administered by the three ministries mentioned above can be summarised into five categories: social, educational,

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ministry of Human Resources and Social Development, 'Regulations and Procedures', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/procedures>>.

³⁰³ Ibid.

³⁰⁴ Ibid.

vocational training and job enhancement, medical rehabilitation, and community-based rehabilitation.

3.7.1 Social Services for Disabled Persons in the KSA

Over the years, the MHRSD has continued to develop and administer various social services for disabled persons in the KSA. These social services are principally designed to improve the quality of life for disabled persons and help in reintegrating them into society as much as possible. Some of the disability-related social services provided by the ministry include: 50% rebate on air passenger tickets for disabled persons and their escorts³⁰⁵; financial subsidies for all registered disabled persons in the KSA³⁰⁶; subsidy on equipment disability³⁰⁷; parking permits that enable free parking at designated parking spots for disabled persons throughout the country;³⁰⁸ and priority access to public parks and gardens for disabled persons.³⁰⁹

The MHRSD offers financial support to disabled persons in various ways. For example, the ministry makes monthly payments to disabled persons in the country, depending on the severity of their conditions.³¹⁰ There is also a provision of annual allowance amounting to Saudi Riyal SR10,000 for paralysed children.³¹¹ Financial aid of up to SR10,000 per year is made available to families or caregivers of persons with severe disabilities while another SR6,000 is set aside annually for disabled persons that are not benefitting from vocational rehabilitation programmes.³¹² Additionally, there is a government subsidy of SR 50,000 for each disabled person to implement individual or collective rehabilitation projects within any of the rehabilitation centres under the supervision of the Ministry.³¹³

³⁰⁵ Ministry of Human Resources and Social Development, 'Social Development' (n 264).

³⁰⁶ Ministry of Human Resources and Social Development, 'Financial Subsidy Service for People with Disability', *Human Resources and Social Development* (Web Page) <<https://mlsd.gov.sa/en/electronic-services/financial-subsidy-service-people-disability>>.

³⁰⁷ Ministry of Human Resources and Social Development, 'Medical Equipment Subsidy Service', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/queries/medical-equipment-subsidy-service>>.

³⁰⁸ Ministry of Human Resources and Social Development, 'Digital Certificates Service' (n 265).

³⁰⁹ Ibid.

³¹⁰ Ministry of Human Resources and Social Development, 'Social Development' (n 264).

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

The MHRSD supervises Social Rehabilitation Centres that offer shelter and help severely disabled persons who are unable to undergo vocational rehabilitation programmes due to the severity of their condition, having multiple disabilities, or permanent intellectual incapacity.³¹⁴ The centres offer full boarding and lodging services to these individuals. The Social Rehabilitation Centres for the Severely Disabled are located in major cities that include Riyadh, Al-Ahsa and Medinah, providing full boarding to female and male clients separately.³¹⁵ These centres offer rehabilitation services that range from physical, speech, occupational and hearing therapies to those associated with prosthetics and orthotics.³¹⁶

The MHRSD provides day care services to disabled children, aged 3 to 12, as a way of supporting their parents, particularly those employed parents who cannot sufficiently care and give them necessary attention during the official working hours.³¹⁷ The Ministry supports these day care centres to ensure they are equipped with the capacity to offer a wide range of services such as social, medical, occupational therapy, speech therapy among others, to disabled children who are admitted.³¹⁸ However, the funds may not be adequate to provide all the needed services to persons with disability. These services are provided to promote rehabilitation of these disabled children further and improve the overall quality of life for them.³¹⁹

The MHRSD also operates Welfare Homes in the KSA, which are set up mainly to offer care to older adults or seniors as well as those above 20 years of age with permanent disabilities who are unable to work again.³²⁰ The MOH is required to certify persons who are living with permanent disabilities and cannot work again as a result.³²¹ Such individuals are enrolled in these homes after being referred by the MOH, and a determination has been made that they do not have any contagious or mental-related diseases.³²² The Ministry reports that these welfare

³¹⁴ Japan International Cooperation Agency (n 201) 11.

³¹⁵ Japan International Cooperation Agency (n 201).

³¹⁶ Al-Jadid, 'Disability in Saudi Arabia' (n 46).

³¹⁷ Ministry of Human Resources and Social Development, 'Private Day Care Enrolment Service', *Human Resources and Social Development* (Web Page) <<https://mlsd.gov.sa/en/electronic-services/private-day-care-enrollment-service>>.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ Japan International Cooperation Agency (n 201).

³²¹ Ibid.

³²² Ibid.

homes provide care to their residents in addition to offering them comfortable accommodation, nutritious meals, and opportunities to participate in various activities that enrich their lives.³²³

3.7.2 Educational Services for Disabled Persons in the KSA

The education policies introduced by the KSA government in 1960 made a provision for special education to be offered to disabled persons in the country.³²⁴ Several specialised educational institutions have been established since then to cater to the educational needs of disabled persons in the country, especially children.³²⁵ For instance, the MOE has been operating the Al-Noor Institute of the Blind with separate centres established for boys and girls since 1962 in all the regions of the country.³²⁶ The institute offers educational, training, care, and leisure services to vision-impaired children (both boys and girls) in the KSA.³²⁷ The institute provides these children with opportunities to participate in several activities that include sports, excursions, seminars, and cultural events.³²⁸ The Ministry also runs the Amal Institute for the deaf, which was opened in 1964 and designed to support the educational development of young boys and girls with hearing impairment and deafness.³²⁹ The focus of this institute is to teach its students based on a curriculum similar to that of general education, using sign language.³³⁰ The Ministry supervises the Intellectual Education Institute, which was established in 1971, to educate intellectually deficient persons.³³¹ The school offers special education and training services for boys and girls with severe intellectual disabilities.³³² The school's curriculum

³²³ Ibid.

³²⁴ Rashed Aldabas, 'Special Education in Saudi Arabia: History and Areas for Reform' (2015) 6(11) *Creative Education* 1158.

³²⁵ Ibid.

³²⁶ Naja Badaa, 'Al-Noor Institute Brings Light to the Lives of Blind' *Saudi Gazette* (online, 5 January 2018) <<http://saudigazette.com.sa/article/525529/SAUDI-ARABIA/Al-Noor-Institute-brings-light-to-the-lives-of-blind>>.

³²⁷ Ibid.

³²⁸ Ibid.

³²⁹ Aldabas (n 324).

³³⁰ Ibid.

³³¹ Ibid.

³³² Ibid.

incorporates courses designed to teach its students social, behavioural, and life skills with accommodation also provided for them.³³³

To ensure reasonable accommodation of non-evident disabilities in schools, the Basic Law of Governance is applicable. This is an important constitutional document in the KSA, which in Article 26 explains the role of the KSA in protecting human rights according to Islamic Law. It is anchored on the concepts of justice and equality, and is against discrimination on any grounds, including disability. The legal framework for the rights of disabled persons includes information on the responsibilities of various sectors in promoting the rights of people living with disabilities. As such, learning institutions are not exceptional in safeguarding disability rights as deemed appropriate in their settings. There are inclusion strategies that can be implemented in schools across the KSA to incorporate ways of managing such non-visible impairments. The policy includes information about training requirements for staff at Saudi schools to enable them to deal safely and effectively with issues relating to emerging health problems.³³⁴ An example on this would be offering training sessions that educates them about identifying symptoms of anaphylaxis and responding to anaphylactic emergencies within the school environment.³³⁵

3.7.3 Vocational Training and Job Enhancement Services for Disabled

The MHRSD also operates Vocational Rehabilitation Centres that are based in cities such as Riyadh, Jeddah, Taif, Hail, Al Bukayriyah, Abha, and Dammam.³³⁶ There are separate vocational rehabilitation centres for males and females.³³⁷ These centres serve the purpose of rehabilitating adults with disability conditions, such as spinal cord injuries, to facilitate their possible return to work.³³⁸ They offer person-focused rehabilitation care that is aimed at helping disabled persons aged 15 to 45, to become productive again and readapted to society socially

³³³ Ibid.

³³⁴ Sandra Vale, 'ASCIAGuidelines for Prevention of Anaphylaxis in Schools, Pre-Schools and Childcare: 2015 Update' (2015) 51(10) *Journal of Paediatrics and Child Health* 949.

³³⁵ Ibid 950.

³³⁶ Japan International Cooperation Agency (n 201).

³³⁷ Ibid.

³³⁸ Ahmad Alwashmi, 'Vocational Rehabilitation Awareness among Spinal Cord Injury Male Patients in Saudi Arabia: A Brief Communication' (2019) 11(1) *Cureus* e3886:1–7.

and economically.³³⁹ The disabled persons enrolled in these centres are provided with training in book-binding, carpentry, typewriting, secretarial works, painting, engraving, landscaping, and tailoring, among others. Disabled persons participating in this vocational training are provided with many benefits.³⁴⁰ They are fully accommodated during the training and have free access to medical, social, and psychological care.³⁴¹ They are equipped with assistive devices and are eligible to access physiotherapy services as required. Also, married trainees are offered a monthly payment of SR1,200.³⁴² The government also covers the daily transportation costs of these married trainees living with their families to enable them to attend the training from home.³⁴³

Upon completion of this vocational training programme, the attendees are awarded certificates that they can use to seek employment opportunities throughout the country.³⁴⁴ The Royal Decree No. M/21 (Labor and Workmen Law) of 1969 makes a provision for these disabled persons to be given priority by employers in the KSA.³⁴⁵ As mentioned previously, Article 54 of the law specifically requires employers with more than 50 workers to ensure two per cent of their total staff strength is made of disabled persons who have undergone this vocational training.³⁴⁶

3.7.4 Medical Rehabilitation Services for Disabled Persons

The MOH oversees medical rehabilitation services for disabled persons in the KSA.³⁴⁷ These services are designed to support disabled persons in regaining or improving their physical, occupational, speech and hearing therapy, as well as prosthetic and orthotic services within the existing modern and sophisticated health care service system and infrastructure. The ministry

³³⁹ Japan International Cooperation Agency (n 201).

³⁴⁰ Ibid.

³⁴¹ Ibid.

³⁴² Ibid.

³⁴³ Ibid.

³⁴⁴ Ibid.

³⁴⁵ Ansary (n 141).

³⁴⁶ Ibid.

³⁴⁷ Al-Jadid, 'Disability in Saudi Arabia' (n 46).

coordinates Comprehensive Rehabilitation Centres in five regions across the country to offer rehabilitation healthcare services to disabled persons.³⁴⁸ Some of these comprehensive rehabilitation centres currently serving disabled persons in the KSA include the Rehabilitation Unit of Prince Sultan Military Medical City of Riyadh, the Rehabilitation Unit of King Abdulaziz Medical City, the National Guard, Rehabilitation Hospital of King Fahad Medical City, the King Saud Medical Complex, the Rehabilitation Hospital of Al-Hada Military Hospital, the King Khalid Eye Hospital, the Riyadh Care Hospital (Private), and the Abdulatif Jameel Rehabilitation Center.³⁴⁹

In addition to the medical rehabilitation centres mentioned above, the Prince Sultan City for Humanitarian Services offers comprehensive, multidisciplinary and integrated medical rehabilitation services for disabled persons, which are delivered within the centre or patient's home.³⁵⁰ These services are aimed at improving the independence of daily living for disabled persons in the KSA.³⁵¹ There are seven children rehabilitation centres being operated by the Disabled Children Association to provide healthcare, social, and vocational rehabilitation services to disabled children.³⁵² Moreover, most MOH hospitals in the KSA have a Medical Rehabilitation Department, which can also be used by disabled persons.³⁵³ The Ministry operates the Institute for Paraplegic Children Centres based in Riyadh and Taif, which provides rehabilitation services for children with spinal cord injuries.³⁵⁴

Lastly, the ministry coordinates the activities of Polio-Care Institutes, which are set up to provide medical-related rehabilitation services to children who are paralysed or have physical infirmity that is restricting their normal movement.³⁵⁵ One of the goals of the institutes is to develop the remaining capacities of these disabled children and rehabilitate them socially and psychologically towards facilitating their adaptation to the community.³⁵⁶ The institutes provide

³⁴⁸ Ibid.

³⁴⁹ Einas Aleisa et al, 'Rehabilitation Services in Saudi Arabia: An Overview of Its Current Structure and Future Challenges' (2014) 2(6) *Journal of General Practice* 1000184:1–4.

³⁵⁰ Prince Sultan City for Humanitarian Services (n 277).

³⁵¹ Ibid.

³⁵² Al-Jadid, 'Disability in Saudi Arabia' (n 46).

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ Japan International Cooperation Agency (n 201).

³⁵⁶ Ibid.

them with full boarding and lodging facilities, physiotherapy and medical care, including sophisticated surgical procedures in specialised public medical facilities.³⁵⁷ There are two Polio-Care Institutes operating in Riyadh and Taif offering specialised care to hundreds of paralysed children.³⁵⁸

3.7.5 Community-based Rehabilitation Services for Disabled Persons

There is an existing partnership agreement between the KSA and the WHO that is focused on developing Community-Based Rehabilitation (CBR) services in the country.³⁵⁹ CBR is an intervention aimed at rehabilitating disabled persons in developing countries by integrating their efforts, those of their families and communities as well as educational, healthcare, and social vocational, services among other, provided by the government and Non-Governmental Organisations (NGO).³⁶⁰ CBR services are delivered within a disabled person's community using local resources.³⁶¹ The CBR collaboration between WHO and the KSA government has been helping in planning and implementing national programmes aimed at providing community-based rehabilitation services to disabled persons in the KSA.³⁶² As part of efforts geared towards promoting community-based rehabilitation, various relevant professionals have been trained on how to support rehabilitation of disabled persons within their immediate community.³⁶³ Also, institutions involved in these rehabilitation services are equipped with WHO publications, including guidelines on how to effectively implement and promote CBR.³⁶⁴ This partnership has seen WHO offering continuous advisory services to the KSA with emphasis placed on the need to strengthen communication between parties involved in CBR towards ensuring successful delivery of these services.³⁶⁵

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ Ibid.

³⁶⁰ Valentina Lemmi, 'Community-Based Rehabilitation for People with Disabilities in Low- and Middle-Income Countries: A Systematic Review' (2015) 15 *Campbell Systematic Reviews* 16.

³⁶¹ Ibid.

³⁶² Japan International Cooperation Agency (n 201).

³⁶³ Ibid.

³⁶⁴ Ibid.

³⁶⁵ Ibid.

3.8 Summary of Chapter 3

This chapter has provided information about law, regulations, and policies that affect disabled persons in the KSA. Specifically, it summarised the KSA legal system. The chapter revealed that law in the country is founded on the Qur'an and the Sunnah, and the King plays a pivotal role regarding the implementation of law. Without his final approval, a law cannot be implemented or enforced in the country. In general, three branches of government in the KSA; the executive, the legislative and judicial, are responsible for developing and regulating laws in the country. However, the laws are administered by three courts of law in the country, which include the Supreme Judiciary Council, the Courts of Appeal, and the Courts of First Instance including general and summary courts. The place of disabled persons under the KSA legal system was also described in this chapter, with consideration also given to disability legislation and policies formulated over the years to improve wellbeing of disabled persons in the country. Moreover, social, educational, vocational training and job enhancement, and community-based services that are provided in the KSA to improve the living quality of disabled persons are described. The effectiveness of the aforementioned policies will be reviewed later in details in this thesis, in chapter 6 and 7.

CHAPTER 4- EXAMINING THE RIGHTS OF DISABLED PERSONS

4.1 Introduction

This chapter reviews developments about rights for disabled persons around the world. First, the advancement of rights for disabled persons globally through the actions of several organisations, countries, and the United Nations General Assembly, leading to the creation of CRPD is discussed. Second, issues around the critical rights advocated for disabled persons through the UN system are reviewed. Those aspects of human rights relating to health, education, employment, living standards and social protection, habilitation and rehabilitation, equal justice and security, and participation in public activities are considered within the global context.

4.2 Development of Rights for Disabled Persons

International law has developed human rights treaties aimed at protecting the rights of disabled persons. This chapter will examine the development of the rights treaties and instruments specifically aimed at protecting disabled persons. The chapter will therefore take into account historical aspects of the development of disabled persons' rights.

4.2.1 Historical Development of International Disabled Persons' Human Rights

Disabled persons have always been perceived as uniquely different from³⁶⁶ other members of the community due to being regarded as being unusual and dependent.³⁶⁷ Although most disabled persons were integrated into society before the period of the Industrial Revolution, they faced substantial and widespread oppression and unfair treatments.³⁶⁸ In particular, the massive economic and social changes that happened with industrial capitalism triggered the

³⁶⁶ Martha Nussbaum, *Frontiers of Justice: Nationality, Disability, Species Membership* (Harvard University Press, 2006).

³⁶⁷ Kjersti Skarstad, 'Human Rights through the Lens of Disability' (2018) 36(1) *Netherlands Quarterly of Human Rights* 24.

³⁶⁸ Robert Garland, *The Eye of the Beholder: Deformity and Disability in the Graeco-Roman World* (Cornell University Press, 1995).

institutionalisation of several discriminatory policies and actions.³⁶⁹ Rapid industrialisation, social Darwinism, modernisation, transformations in work organisations and culture, and liberal utilitarianism among other concepts defining our society at that time fuelled prehistoric uncertainties and biases.³⁷⁰ These issues justified the development of sharp discriminatory actions, most evidently leading to the gradual elimination of disabled persons from healthy economic and social life.³⁷¹

Germany's Nazi government's introduction of involuntary euthanasia, named 'Aktion T4' in 1939 also compounded the woes of disabled persons.³⁷² Between 1939 and 1945, this euthanasia policy resulted in the mass killing of about 300,000 disabled people in Germany.³⁷³ After the Nazi euthanasia programme, there was a change of attitude towards disabled persons across many developed nations.³⁷⁴ For example, some governments and voluntary agencies started offering community-based services for disabled persons using professional helpers.³⁷⁵ Moreover, the increased economic progression and advancement in medical treatments during this period increased life expectancy, which led to a significant surge in the number of disabled persons and older adults.³⁷⁶ These issues generally contributed to the enhanced politicisation of problems affecting disabled persons in the 1950s.³⁷⁷

Despite improved politicisation of disability in the 1950s, the medicalisation mindset about disabled persons resulted in being neglected for several years following World War II by the international human rights community.³⁷⁸ The rights of disabled persons were not enshrined in any of the first international human rights accords even though several disability resolutions were adopted by the UN Economic and Social Council between the 1950s and 1960s.³⁷⁹ The

³⁶⁹ Barnes (n 6).

³⁷⁰ Ibid.

³⁷¹ Anne Borsay, *Disability and Social Policy in Britain since 1750: A History of Exclusion*. (Palgrave Macmillan, 2005).

³⁷² Hugh Gallagher, 'What the Nazi "Euthanasia Program" Can Tell Us about Disability Oppression' (2001) 12(2) *Journal of Disability Policy Studies* 96.

³⁷³ Ibid.

³⁷⁴ Ibid.

³⁷⁵ Mark Priestley, *Disability Politics and Community Care* (Macmillan, 1999).

³⁷⁶ Ibid.

³⁷⁷ Christine Kelly, *Disability Politics and Care: The Challenge of Direct Funding* (UBC Press, 2016).

³⁷⁸ Ibid.

³⁷⁹ Jane Campbell and Mike Oliver, *Disability Politics: Understanding Our Past, Changing Our Future* (Routledge, 2013).

social rehabilitation of the physically handicapped resolution mandated that ‘the UN and its specialised agencies should: help to raise living standards throughout the world; ensure the closest possible co-ordination between UN bodies and appropriate NGO in all activities relating to the welfare of the disabled and physically handicapped in every corner of the globe; concentrate on direct help to Governments in the organization and staffing of modern rehabilitation services, promulgate measures to prevent, detect and limit physical disability, educate public opinion regarding the handicapped; and in carrying out research and offering technical advice mandate the collaboration of the UN States Parties and NGO to provide rehabilitative services necessary to enhance the living standard of disabled persons globally.’³⁸⁰ The social rehabilitation of the blind required the States Parties to the UN to promote blind people’s welfare and programmes to support their education, rehabilitation, training, and employment.³⁸¹

Also, Article 19 (d) of the Declaration on Social Progress and Development adopted in 1969 aimed to support the rehabilitation of disabled people so that they can be integrated into society.³⁸² The article promotes that ‘The institution of appropriate measures for the rehabilitation of mentally or physically disabled persons, especially children and youth, so as to enable them to the fullest possible extent to be useful members of society-these measures shall include the provision of treatment and technical appliances, education, vocational and social guidance, training and selective placement, and other assistance required-and the creation of social conditions in which the handicapped are not discriminated against because of their disabilities.’³⁸³ It can be deduced that these resolutions were targeted mainly at encouraging rehabilitation of disabled persons to enable them to access basic services without making any provisions for protecting their fundamental human rights. Apparently, these resolutions were conceived within the medicalisation context of disability in which disabled persons were regarded as people deserving pity who needed to be helped. Therefore, the

³⁸⁰ United Nations Department of Economic and Social Affairs, ‘The Co-Ordinated Programme for the Rehabilitation of the Physically Handicapped’ (1957) 2 (March) *International Social Service Review* 1.

³⁸¹ History of United Nations and Persons with Disabilities – The Early Years: 1945 –1955’, *United Nations Department of Economic and Social Affairs* (Web Page) <<https://www.un.org/development/desa/disabilities/history-of-united-nations-and-persons-with-disabilities-the-early-years-1945-1955.html>>.

³⁸² *Ibid.*

³⁸³ *Declaration on Social Progress and Development*, GA Res 2542, UN Doc A/RES/2542(XXIV) (11 December 1969).

priority then was to alleviate their suffering without much thought given to their basic human rights.

There was no international document protecting the rights of any disabled population until 1971 when the Declaration on the Rights of Mentally Retarded Persons was adopted.³⁸⁴ The Declaration sought to protect mentally impaired persons, referred to them as ‘mentally retarded’, from being discriminated against. For example, Article 1 of the Declaration states that ‘The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.’³⁸⁵ The declaration acknowledged these individuals as having the same equal rights as others, which cannot be infringed upon without proper legal backing for such.³⁸⁶ Apart from the fact that the term ‘mental retardation’ used in the Declaration has now been replaced with intellectual or developmental disabilities, this document remains the first formal framework to make provisions for the protection of human rights of a specific group of disabled persons.³⁸⁷ While the Declaration referred to protecting the rights of a disabled population, it still addressed the issue based the medical considerations.³⁸⁸ This can be justified from the usage of the term ‘mental retardation’ in which disabled persons were seen as incapacitated individuals who needed help and medical treatment, without being emphatically categorised as normal human beings.³⁸⁹ The Declaration’s stated objective was to facilitate the return of these disabled persons into ‘normal life as much as possible’.³⁹⁰ The objective therefore does not seem to portray disabled persons as having that capacity to function in society let alone deserving of being accorded the same absolute rights as everyone else.

³⁸⁴ The United Nations with Disabilities Chronology: 1945 – 1980’, *United Nations Department of Economic and Social Affairs* (Web Page) <<https://www.un.org/development/desa/disabilities/the-united-nations-and-persons-with-disabilities-chronology-1945-1980.html>>

³⁸⁵ *Declaration on the Rights of Mentally Retarded Persons*, GA Res 2856, UN Doc A/RES/2856(XXVI) (20 December 1971).

³⁸⁶ *Ibid.*

³⁸⁷ Arlene Kanter, *The Development of Disability Rights under International Law: From Charity to Human Rights* (Routledge, 2014) 16.

³⁸⁸ *Ibid.*

³⁸⁹ Michael Bayles, ‘Equal Human Rights and Employment for Mentally Retarded Persons’ in Ronald S Laura and Adrian F Ashman (eds), *Moral Issues in Mental Retardation* (Routledge, 2018) 12.

³⁹⁰ *Ibid.*

4.2.2 Reasons for Past Neglect of Disabled Persons' Rights

Several reasons can be attributed to the issues relating to the delay in the protection of the rights of disabled persons. On the first premise, the international community did not start developing separate international agreements or resolutions for different population groups until about four decades ago.³⁹¹ Most of the earliest international treaties, such as 1948's Universal Declaration of Human Rights (UDHR)³⁹² and Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG),³⁹³ Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination (Employment and Occupation) Convention (ILO Convention No.111),³⁹⁴ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),³⁹⁵ and International Covenant on Economic, Social and Cultural Rights (ICESCR),³⁹⁶ focused on preventing nations or governments from maltreating their citizens, without any consideration given to the need to protect the basic human rights of specific or vulnerable population groups.³⁹⁷ In fact, the concept of human rights suggests that everybody, irrespective of their unique differences, should be entitled to equal rights.³⁹⁸ It is on record that distinction between political, cultural, economic, and social rights was opposed during the World Conference on Human Rights in 1993, with participating parties proclaiming human rights to be universal and unbreakable.³⁹⁹ This original understanding of human rights can be used to explain why the issue of developing a separate human rights treaty for disabled persons took so long to materialise.

Another reason for not recognising the need to develop rights protection for disabled persons in earliest treaties may be connected to the long-time 'invisibility' of this population group. Disabled persons have been largely inconspicuous in social and legal life.⁴⁰⁰ Despite the

³⁹¹ Campbell and Oliver (n 379).

³⁹² *Universal Declaration of Human Rights*, 10 December 1948.

³⁹³ *The Convention on the Prevention and Punishment of the Crime of Genocide*, Signed 9 December 1948, (entered into force 12 January 1951).

³⁹⁴ *Discrimination (employment and occupation) convention*, Signed 25 June 1958, No. 111 (entered into force 15 June 1960).

³⁹⁵ *International Convention on the Elimination of All Forms of Racial Discrimination*, Signed 21 December 1965, (entered into force 4 January 1969).

³⁹⁶ *International Covenant on Economic, Social and Cultural Rights*, Signed 16 December 1966, (entered into force 3 January 1976).

³⁹⁷ *Ibid.*

³⁹⁸ Kanter (n 387) 22.

³⁹⁹ *Ibid.*

⁴⁰⁰ *Ibid* 18.

Universal Declaration on Human Rights affirming that everyone is born free and eligible to equal rights, the rights of disabled persons were not specifically addressed in the document.⁴⁰¹ Disabled persons remained largely invisible despite being referred to as the fastest-growing minority.⁴⁰² It appears there was not enough awareness created about the importance of rights protection for disabled persons in the 1940s.

Furthermore, the early classification of disabled persons was ambiguous leading to countries underestimating their disability prevalent rates.⁴⁰³ This misclassification affected people who were regarded as being disabled or not.⁴⁰⁴ According to the World Health Organisation (WHO), 10% of the world's population had a disability in the 1970s as compared to current 15% (or 1 billion people).⁴⁰⁵ This disparity was attributed to different methodologies being used by nations to measure disability.⁴⁰⁶ For example, some countries would exclude individuals with intellectual, developmental, and cognitive disabilities from their reported disabled population.⁴⁰⁷ Without a standardised yardstick for determining disability, it is probable that countries were reporting lower than accurate figures of disabled persons, which diminished the significance attached to issues affecting disabled persons, including the need to develop human rights documents specific to them. Also, the lack of data about people living with disabilities led to them being neglected as it would have been difficult for these individuals to self-identify back then, due to the stigmatisation attached to this condition.⁴⁰⁸

⁴⁰¹ Ibid.

⁴⁰² Ibid.

⁴⁰³ Amanda Gosling and Eirini-Christina Saloniki, 'Correction of Misclassification in Disability Rates' (2014) 23(9) *Health Economics* 1084.

⁴⁰⁴ Ibid.

⁴⁰⁵ 'Disability and Health', *World Health Organization* (Web Page, 24 November 2021) <<https://www.who.int/news-room/fact-sheets/detail/disability-and-health>>.

⁴⁰⁶ Ibid.

⁴⁰⁷ Kanter (n 387).

⁴⁰⁸ Ibid.

4.2.3 Promotion of Disabled Persons' Rights at the Domestic Level

Before the adoption of the CRPD, some countries had already developed legislation to promote the protection of rights of disabled persons.⁴⁰⁹ For example, the USA passed the *Americans with Disabilities Act (ADA)* in 1990.⁴¹⁰ This was a civil rights law that proscribed any form of discrimination against disabled persons in the USA.⁴¹¹ The ADA was formulated with the primary aim of ensuring that disabled persons could exercise the same human rights and access similar opportunities as others.⁴¹² The ADA also protects the civil rights of disabled persons, and prohibits discrimination based on age, religion, national origin, sex, race, and colour.⁴¹³ This law stipulates the rights of disabled persons to enjoy the same rights in all areas of public life including equal opportunities in employment, school enrolment, accommodation, transportation, and access to government and private services among others without any prejudice.⁴¹⁴ Before the ADA, Canada had made provisions to protect the civil rights of Canadians with disabilities through the Canadian Charter of Rights and Freedoms of 1982 and the Canadian *Human Rights Act* of 1985.⁴¹⁵ These legal instruments gave equal rights before and under the law to disabled persons as other Canadians.⁴¹⁶

In Spain, the government passed the *Social Integration for Disabled People Bill* into law in 1982, becoming Law 13/1982. This Law seeks to protect the rights of disabled persons, defined as individuals with disabilities, and ensure they are fully integrated into society.⁴¹⁷ The *Social Integration for Disabled People Act* was extended with the creation of the *Non-Discrimination Act* (Law 51/2003), which was developed to stamp out all sorts of discrimination against

⁴⁰⁹ Ibid 22.

⁴¹⁰ Bonnie P Tucker, 'The Americans with Disabilities Act of 1990: An Overview' (1992) 22 (Winter) *New Mexico Law Review* 13.

⁴¹¹ Ibid.

⁴¹² Ibid.

⁴¹³ National Network, 'What Is the Americans with Disabilities Act (ADA)?' (Web Page) <<https://adata.org/learn-about-ada>>.

⁴¹⁴ Ibid.

⁴¹⁵ Council of Canadian with Disabilities, Human Rights.

⁴¹⁶ Ibid.

⁴¹⁷ Global-Regulation, 'Law 13/1982 of 7 April, Social Integration of the Disabled' (Web Page) <<https://www.global-regulation.com/translation/spain/1485959/law-13-1982-of-7-april%252c-social-integration-of-the-disabled.html>>.

disabled persons in the country. The Law gave the same rights to disabled persons in Spain in a similar fashion as the ADA.⁴¹⁸

In 1992, the Australian government passed the *Disability Discrimination Act (DDA)* which aimed to protect the fundamental rights of disabled persons in the country.⁴¹⁹ The objects of the Act, according to section three, are:⁴²⁰

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of (i) work, accommodation, education, access to premises, clubs and sport; and (ii) the provision of goods, facilities, services and land; and (iii) existing laws; and (iv) the administration of Commonwealth laws and programs;
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community;
- and (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Other nations such as Sweden and the UK also established laws to give basic human rights to disabled persons.⁴²¹ The laws enacted by these different jurisdictions were different in terms of their organisation, scope, and coverage. While some of them prohibited any prejudice against disabled persons in their criminal codes, others outlawed their discrimination in their respective constitutions.⁴²² Nations such as the USA which proscribed discrimination of disabled persons provided provisions protecting the civil rights of this population group.⁴²³ Others, such as Spain, were focused on providing social services and benefits to disabled persons as a means of empowering them rather than giving them the power to exercise their human rights.⁴²⁴ However, there was no universally accepted clarification about who was regarded as disabled

⁴¹⁸ European Blind Union, 'Spain: Article 27' (Web Page) <<http://www.euroblind.org/convention/article-27/spain>>.

⁴¹⁹ *Disability Discrimination Act 1992* (Cth) ('*Disability Discrimination Act*')

⁴²⁰ *Ibid* s 3.

⁴²¹ Kanter (n 387) 23.

⁴²² *Ibid*.

⁴²³ *Ibid*.

⁴²⁴ Eduardo Velazquez, 'Disability Law in Spain: Moving Forward towards Full Citizenship and Inclusion?' in Claire Spivakovsky, Linda Steele and Penelope Weller (eds), *The Legacies of Institutionalisation: Disability, Law and Policy in the 'Deinstitutionalised' Community* (Bloomsbury Publishing, 2020) 12.

and eligible for rights protection under these laws.⁴²⁵ Some nations used the ADA's definition of a disabled person as an individual with a physical or mental impairment, which majorly limits their life activity as a guide.⁴²⁶ This disparity led to the unification of efforts through the UN system to ensure the development of an international human rights instrument protecting the rights of disabled persons globally.

4.2.4 The Evolution of the CRPD

The ratification of the United Nations CRPD in 2007 began as far back as 1987 when Italy, during the review meeting of 'World Programme on Action Concerning Disabled Persons', proposed a disability-focused UN convention.⁴²⁷ The proposed convention was intended to unify global action against discrimination of disabled persons in all ramifications.⁴²⁸ A similar draft international agreement was put forward by Sweden in 1989.⁴²⁹ These two agreements drafted by Italy and Sweden were not ratified during the 42nd and 44th sessions of the UN General Assembly.⁴³⁰ European disability activists pushed for these agreements to be signed but they did not receive broader global support.⁴³¹ Despite being unsuccessful, this effort resulted in the development and adoption of nonbinding disability instruments such as the UN Standard Rules on the Equalisation of Opportunities of Persons with Disabilities, also known as the UN Standard Rules, and the Principles for the Protection of Persons with Mental Illness, also referred to as the MI Principles.⁴³² Although the UN Standard Rules and MI Principles provide a specific framework for protecting disability rights globally, they were deemed inadequate in addressing all issues of the rights for disabled persons.⁴³³ For example, the MI

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ Lord, 'Disability Rights' (n 25) 87.

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, GA Res 48/96, UN Doc A/RES/48/96 (4 March 1994) annex.

⁴³¹ Ibid.

⁴³² Ibid; *Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care*, GA Res 46/119, UN Doc A/46/421 (17 September 1991) annex.

⁴³³ Lord, 'Disability Rights' (n 25).

Principles describe disabled as patients instead of persons with disabilities, while also supporting institutional care models rather than self-determination, self-empowerment, and independence.⁴³⁴

The more serious discussions about the need for a globally accepted convention on the rights of disabled persons started in the mid-1990s.⁴³⁵ Some people within the UN system initially questioned the significance of such an international agreement, expressing doubt that it might be difficult for States to implement it.⁴³⁶ The opponents of the convention argued that such effort might affect other efforts being put in place to support disabled persons, such as existing regional, national, and local frameworks designed to protect the rights of disabled persons.⁴³⁷ However, proponents of an international convention to protect the rights of disabled persons contented that it was important, since previous nonbinding agreements had failed to yield positive results.⁴³⁸ Thereafter, a Washington based disability organisation, the Convention Development Group (CDG), started the campaign for the disability-focused convention by seeking the support of powerful human rights bodies such as Human Rights Watch and Amnesty International.⁴³⁹ The supporters of this convention convinced several other important human rights organisations, such as Physicians for Human Rights, International Service for Human Rights, and Open Society Institute, among others, to support the treaty process.⁴⁴⁰ The support of these bodies facilitated the progress of this treaty process.⁴⁴¹ These bodies cooperated to form the International Disability Caucus (IDC) whose leadership mostly consisted of disabled persons.⁴⁴² After the meeting of IDC in 2003, a working group consisting of representatives from 23 nations, 12 NGO, and one national human rights body was formed to draft an agreement that became an instrument for negotiating the CRPD.⁴⁴³

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Julie Mertus, 'Politics' in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), *International Human Rights Law* (Oxford University Press, 2010) 87.

⁴³⁷ Ibid.

⁴³⁸ Lord, 'Disability Rights' (n 25) 88.

⁴³⁹ Charlotte McClain-Nhlapo, 'Epilogue: A Decade of Implementing the UN CRPD' (2016) 1(3) *Third World Thematics* 425.

⁴⁴⁰ Lord, 'Disability Rights' (n 25) 90.

⁴⁴¹ Ibid.

⁴⁴² Ibid 91.

⁴⁴³ Ibid.

In an unprecedented move to change this general perception about disabled persons and to promote their inclusivity and access to equal rights within society, the United Nation General Assembly held the 76th plenary meeting tagged the CRPD on 13 December 2006.⁴⁴⁴ The purpose of the Convention was to develop appropriate actions towards achieving these common objectives for disabled persons. The CRPD is often seen as the most advanced rights treaty that promotes, protects, and accords the same equal fundamental human rights and freedoms to disabled persons as those enjoyed by every other individual.⁴⁴⁵ The underlying principles of this Convention include: respect for inherent dignity, free will, and individuality; equal treatment; complete and active participation and inclusion in society; respect for difference and acceptance of disabled persons as a component of humanity and human diversity; and equal opportunity, accessibility, gender equality, and respect for developing abilities of disabled children and the rights for them to maintain their identities.⁴⁴⁶ The Convention was ultimately designed to affirm and demonstrate that human rights should never be restricted by disabilities.⁴⁴⁷

Before the establishment of the CRPD, disabled persons were not given any recognition in the international human rights system.⁴⁴⁸ They were not accorded any protection rights against discrimination in the development of human rights instruments following World War II, which later formed the basis of the International Bill of Rights.⁴⁴⁹ Also, there were no protection rights specifically reserved for disabled persons under the European Convention on Human Rights of 1950.⁴⁵⁰ According to Kanter,⁴⁵¹ issues of human rights for disabled persons had generally not been given due consideration in the global human rights community. The growing concerns that disabled persons were not covered under various international human rights legislation and legal instruments led to the call for the development of the CRPD among the UN member

⁴⁴⁴ CRPD (n 285).

⁴⁴⁵ Theresia Degener, 'Disability in A Human Rights Context' (2016) 5(3) *Laws* 25:1–24; Committee on the Rights of Persons with Disabilities, 'CRPD', *United Nations Office of the High Commissioner for Human Rights* (Web Page) <<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>>.

⁴⁴⁶ CRPD (n 285).

⁴⁴⁷ *Ibid.*

⁴⁴⁸ Peter Mittler, 'The UN CRPD: Implementing a Paradigm Shift' in Edurne García Iriarte, Roy McConkey and Robbie Gilligan (eds), *Disability and Human Rights: Global Perspectives* (Routledge, 2014) 33.

⁴⁴⁹ *Ibid.*

⁴⁵⁰ *Ibid.*

⁴⁵¹ Kanter (n 387) 19.

states.⁴⁵² The CRPD was essentially targeted at addressing concerns that existing human rights frameworks did not protect the rights of disabled persons to participate fully and equally in society without any discrimination.⁴⁵³ The development of human rights for disabled persons through the UN's CRPD is reinforced by the concept that disabled persons do not represent medical articles or objects of pity.⁴⁵⁴

The CRPD represents the foremost legally binding agreement between the UN member nations, which delivers a wide-ranging collection of human rights actions specifically for disabled persons.⁴⁵⁵ The creation of CRPD extended the era of 'pluralisation of human rights', which has witnessed the growing need to specially protect the human rights of certain minority populations within humanity.⁴⁵⁶ The CRPD empowers civil society to ensure that these human rights are given to disabled persons to a greater extent than what has happened in the past.⁴⁵⁷

The Convention has influenced the development and implementation of policies relating to disabled persons around the world.⁴⁵⁸ It has provided a basis for developing legislation and laws aimed at discouraging discrimination against disabled persons based on their impairments, and ensuring they enjoy the same rights and benefits that are available to the rest of the population in the communities in which they reside.⁴⁵⁹ The decisions about the development of the CRPD were made by representatives from more than 40 countries and 400 various NGO, including those servicing the interests of disabled persons around the world.⁴⁶⁰ Therefore, the Convention's significance cannot be underestimated considering that individuals directly affected by the treaty participated in the negotiations leading to drafting and ratification.⁴⁶¹ By

⁴⁵² Ibid.

⁴⁵³ Ibid.

⁴⁵⁴ Raymond Lang et al, 'Implementing the United Nations CRPD: Principles, Implications, Practice and Limitations' (2011) 5(3) *Alter* 208.

⁴⁵⁵ Ibid.

⁴⁵⁶ Frédéric Mégret, 'The Disabilities Convention: Human Rights of Persons with Disabilities or Disability Rights?' (2008) *Human Rights Quarterly* 495.

⁴⁵⁷ Paul Harpur, 'Embracing the New Disability Rights Paradigm: The Importance of the CRPD' (2012) *Disability & Society* 1.

⁴⁵⁸ Lang et al (n 454).

⁴⁵⁹ Ibid.

⁴⁶⁰ Kanter (n 387).

⁴⁶¹ Ibid.

involving all important stakeholders, the development of the CRPD took a holistic approach towards protecting the fundamental rights of disabled persons around the world.⁴⁶²

As a human rights instrument, the CRPD recognises that disabled persons have rights in the same way as the rest of us and their disabilities should never be used as an excuse to deny or limit their basic human rights.⁴⁶³ Such an idea is conceived from a standpoint that disability is a social construct, which stems from impairment intermingling with societal barriers.⁴⁶⁴ The CRPD has been designed to shift focus from the medical to the social model of disability.⁴⁶⁵

The CRPD has placed an onus on countries to improve their human rights records, legislation and laws relating to disabled persons.⁴⁶⁶ Currently, there are 164 signatories and 185 state parties to the CRPD.⁴⁶⁷ The countries that have adopted CRPD are mandated to submit periodic reports to the UN regarding actions that are being taken to protect the rights of disabled persons in their jurisdictions.⁴⁶⁸

4.3 Disabled Persons and their Rights

The United Nations' CRPD was created to serve as a stimulus in the global action towards protecting the rights of disabled persons and ensuring they fully enjoy their human rights without any discrimination.⁴⁶⁹ Moreover, the Convention was designed to catalyse equality of disabled persons under the applicable law and their recognition as fully-fledged members of society with dignity.⁴⁷⁰ The general principles of the Convention on the Rights of People with Disabilities are discussed in Article 3. The principles advanced in the article include: (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;(b) Non-discrimination; (c) Full and effective

⁴⁶² Rosemary Kayess and Phillip French, 'Out of Darkness into Light? Introducing the CRPD' (2008) 8(1) *Human Rights Law Review* 1.

⁴⁶³ Degener (n 445).

⁴⁶⁴ Ibid.

⁴⁶⁵ Kanter (n 387) 47.

⁴⁶⁶ Ibid.

⁴⁶⁷ CRPD (n 285).

⁴⁶⁹ Lisa Waddington and Mark Priestley, 'A Human Rights Approach to Disability Assessment' (2021) 37(1) *Journal of International and Comparative Social Policy* 1.

⁴⁶⁹ Lisa Waddington and Mark Priestley, 'A Human Rights Approach to Disability Assessment' (2021) 37(1) *Journal of International and Comparative Social Policy* 1.

⁴⁷⁰ Ibid.

participation and inclusion in society;(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;(e) Equality of opportunity;(f) Accessibility; and (g) Equality between men and women.⁴⁷¹ The importance of these principles is to guide society in the appropriate direction towards developing movement necessary to protect the rights of the disabled in different aspects.⁴⁷² The major aspects of human rights recognised in the CRPD include those concerning disabled persons' rights to health, education, employment, living standard and social protection, habilitation and rehabilitation, equal justice and security, and participation in public activities.⁴⁷³ Critical disability theory aligns with the goal of human rights since both seek to alter society so that handicapped people can participate completely and equitably in social and economic integration, self-determination, and legal and social rights in their communities. Critical disability serves as a lens for examining how the distribution of resources and power is allocated within society. The ultimate objective is to improve the quality of life for disabled persons.

Furthermore, the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) is a side-agreement to the UNCRPD.⁴⁷⁴ It was adopted on December 13, 2006, and it entered into force on May 3, 2008, along with the Convention that it was derived from. As of May 2022, there are 94 signatories to the CRPD's Optional Protocol, and 100 state parties have ratified the protocol.⁴⁷⁵ The KSA government, in 2008, ratified the OP-CRPD.⁴⁷⁶

The OP-CRPD has 18 articles in all and complements the international framework for monitoring the implementation of the rights of people with disabilities, which consists of the CRPD Committee reviewing national reports (CRPD, Articles 34–36).⁴⁷⁷ In addition, the OP-CRPD provides (a) a procedure for victims to submit individual communications to the CRPD Committee in response to alleged violations, which can be triggered by the victims, and (b) a procedure for the CRPD Committee to enquire into serious violations, which it may initiate on

⁴⁷¹ CRPD (n 286) art 3.

⁴⁷² Lang et al (n 454).

⁴⁷³ CRPD (n 285).

⁴⁷⁴ Zahara Nampewo, 'Gender, Disability, and Human Rights in Africa' in Toyin Falola (ed) *The Palgrave Handbook of African Women's Studies* (Springer Nature Publishing, 2021) 2307-2321.

⁴⁷⁵ Ibid.

⁴⁷⁶ *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, A/61/611 (entered into force 3 May 2008).

⁴⁷⁷ Ibid

its own initiative.⁴⁷⁸ The ratification of the OP-CRPD derives from the automatic acceptance of both procedures by the states that are parties to the convention.⁴⁷⁹ By making an "opt out" declaration, however, parties can decide that they will not recognise the CRPD Committee's authority to do investigations.⁴⁸⁰ Finally, and through general comments, the Committee provides authoritative guidance about the provisions of the CRPD.⁴⁸¹ The purpose of these general comments is to help state parties in fulfilling their obligation.⁴⁸² The Committee has adopted eight general comments as of August 2021.⁴⁸³ The issues in the general comments are:

General comment No. 1: Article 12: Equal recognition before the law.

General comment No. 2: Article 9: Accessibility.

General comment No. 3: Article 6: Women and girls with disabilities.

General comment No. 4: Article 24: Right to inclusive education.

General comment No. 5: Article 19: Right to independent living.

General comment No. 6: Article 5: Equality and non-discrimination.

General comment No. 7: Article 4.3 and 33.3: Participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

General comment No. 8: Article 27: Work and Employment.

4.3.1 Disabled Persons and their Right to Health

One of the core aspects of the CRPD is protecting the right to health of disabled persons. The right to health, based on the definition of the WHO, means that 'everyone should have access to the health services they need, when and where they need them, without suffering financial

⁴⁷⁸ Ibid.

⁴⁷⁹ Ibid.

⁴⁸⁰ Ornella Ferrajolo, 'Optional Protocol to the Convention on the Rights of Persons with Disabilities' in Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (ed), *The United Nations Convention on the Rights of Persons with Disabilities*. (Springer Publishing, 2017).

⁴⁸¹ United Nation Human Rights, 'General Comments Committee on the Rights of Persons with Disabilities' (web page)

<<https://www.ohchr.org/en/treaty-bodies/crpd/general-comments>>.

⁴⁸² Ibid.

⁴⁸³ Ibid.

hardship.⁴⁸⁴ According to Article 25 of CRPD, disabled persons' right to the best possible health and healthcare need to be respected without any bias due to their having disabilities.⁴⁸⁵ The Article mandates the signatories and parties to the treaty to ensure proper actions are taken to provide disabled persons with health services without discrimination, including rehabilitation where required.⁴⁸⁶ The importance of making adequate healthcare provisions for disabled persons cannot be overemphasised, as they require healthcare services for their wellbeing.⁴⁸⁷ Studies have indicated that disabled persons lack access to required healthcare services, and consequently, have significant unmet healthcare needs.⁴⁸⁸ For example, a study found that disabled persons have significant challenges accessing sexual health services.⁴⁸⁹ Another study found 35% and 50% of individuals with serious mental illness in developed countries; and between 76% and 85% of disabled person in developing nations reported that they did not receive medical treatment in the year preceding the study.⁴⁹⁰ According to a study by the WHO, most health promotion and prevention programmes are not usually targeted at disabled persons.⁴⁹¹ The study indicated that disabled women are not being screened for breast and cervical cancer as much as those without disabilities.⁴⁹² Similarly, the weight of individuals with intellectual impairments and diabetes are less likely to be checked regularly compared to those without such condition. The WHO study also found that it is more probable for disabled persons to be excluded from sex education programmes than those without a disability.⁴⁹³

Disabled persons' lack of access to healthcare has been attributed to ranging from their limited physical access into healthcare buildings, lack of transportation, financial problems and unfair

⁴⁸⁴ Tedros Adhanom Ghebreyesus, 'Health Is a Fundamental Human Right: Human Rights Day 2017', *World Health Organization* (Web Page, 10 December 2017) <<https://www.who.int/news-room/commentaries/detail/health-is-a-fundamental-human-right>>.

⁴⁸⁵ *CRPD* (n 286) art 25(1).

⁴⁸⁶ *Ibid* art 25(2).

⁴⁸⁷ Dikaios Sakellariou and Elena S Rotarou, 'Access to Healthcare for Men and Women with Disabilities in the UK: Secondary Analysis of Cross-Sectional Data' (2017) 7(8) *BMJ Open* e016614:1–9, 4.

⁴⁸⁸ *Ibid*.

⁴⁸⁹ Editorial, 'Sexuality, Disability and Human Rights: Strengthening Healthcare for Disabled People' (2012) 102(10) *South African Medical Journal* 792.

⁴⁹⁰ Philip Wang et al, 'Use of Mental Health Services for Anxiety, Mood, and Substance Disorders in 17 Countries in the WHO World Mental Health Surveys' (2007) 370(9590) *Lancet* 841, 849.

⁴⁹¹ 'Disability and Health' (n 405).

⁴⁹² *Ibid*.

⁴⁹³ *Ibid*.

treatment they receive from healthcare providers as a result of cultural differences and misconceptions about disability.⁴⁹⁴ For example, WHO reported that between 51% and 53% of disabled persons from low-income nations are not accessing required healthcare services due to affordability issues compared to between 32% and 33% of those without disabilities.⁴⁹⁵ One study has identified disability as a barrier to their ability to access health services.⁴⁹⁶ For example, a study has shown that women with mobility problems often find it difficult to undergo breast and cervical cancer screening due to examination tables being not height-adjustable and mammography equipment unable to accommodate women who cannot stand.⁴⁹⁷ Moreover, disabled persons have reported facing restrictions and being dissatisfied with the healthcare they have received.⁴⁹⁸ According to them, their medical care needs are misunderstood on many occasions and they are treated as low-priority patients.⁴⁹⁹

4.3.2 Disabled Persons and their Right to Education

The CRPD advocates for the recognition of the right of disabled persons to access education equitably without any discrimination.⁵⁰⁰ According to the Convention, States Parties need to ensure that all disabled persons are provided with equal opportunities to inclusive and quality education as the same levels as everyone else within the community.⁵⁰¹ States Parties are mandated to make reasonable provisions towards accommodating the individual needs of disabled persons in an educational setting so that they can enjoy effective learning.⁵⁰² Disabled persons usually have special needs that need to be taken into consideration when preparing them for education, but making adequate provisions for these requirements can be challenging.

⁴⁹⁴ Eric Emerson et al, 'Intellectual and Physical Disability, Social Mobility, Social Inclusion & Health' (CeDR Research Report 2009:2, Centre for Disability Research, Lancaster University May 2009).

⁴⁹⁵ 'Disability and Health' (n 405).

⁴⁹⁶ Jeremy Gibson and Rory O'Connor, 'Access to Health Care for Disabled People: A Systematic Review' (2010) 1(3) *Social Care and Neurodisability* 21, 31.

⁴⁹⁷ 'Disability and Health' (n 405).

⁴⁹⁸ *Ibid.*

⁵⁰⁰ *CRPD* (n 286) art 24(1).

⁵⁰⁰ *CRPD* (n 286) art 24(1).

⁵⁰¹ *Ibid* art 24(2).

⁵⁰² *Ibid.*

This has often created a barrier for disabled persons' ability to access education without restrictions, thereby affecting their rights in this respect.⁵⁰³ To this end, there has been a move towards inclusive education rather than an exclusive one.⁵⁰⁴ Exclusive education is the form of education designed for disabled persons in which they are excluded from the mainstream schools or education due to their limitations (such as physical or mental disabilities).⁵⁰⁵ According to the United Nation Educational, Scientific and Cultural Organization (UNESCO), inclusive education is targeted at tackling and responding to the various needs of learners by improving their involvement in the learning process and minimising their segregation from the education system.⁵⁰⁶ The main purpose of inclusive education is to ensure that the learning needs of everybody are met, with a particular emphasis on those who are prone to marginalisation and exclusion, for example, disabled persons.⁵⁰⁷

Although several arguments have been made about protecting the right of disabled persons to education, which includes having equitable access to the education system, available evidence suggests that these individuals are still facing marginalisation and exclusion in this aspect. According to a recent Chinese study, only 102 education classes were provided in 2018 to 7,666 disabled persons in China compared to millions made available to students without disabilities.⁵⁰⁸ The study demonstrated that disabled persons do not have equal opportunities for education as non-disabled.⁵⁰⁹ Consequently, the study identified the low level of education among disabled persons to be responsible for their reduced willingness and capacity to fight for their rights legally.⁵¹⁰ Another related study revealed the need to improve the education rights of disabled children in Cyprus.⁵¹¹ According to this study, disabled children in Cyprus

⁵⁰³ Richard Rieser, *Implementing Inclusive Education: A Commonwealth Guide to Implementing Article 24 of the UN CRPD* (Commonwealth Secretariat, 2nd rev ed, 2012) 35.

⁵⁰⁴ Galina Stepanova, 'The Problem of Management and Implementation of Innovative Models of Network Interaction in Inclusive Education of Persons with Disabilities' (2018) *International Journal of Education and Information Technologies* 2075.

⁵⁰⁵ Eva Mattson and Audrey Hansen, 'Inclusive and Exclusive Education in Sweden: Principals' Opinions and Experiences' (2009) 24(4) *European Journal of Special Needs Education* 466.

⁵⁰⁶ *Ibid* 23.

⁵⁰⁷ Rieser (n 503) 23.

⁵⁰⁸ Fei Qi et al, 'Rhetoric and Reality: Litigation Rights of Chinese Disabled People' (2020) 35(8) *Disability & Society* 1343.

⁵⁰⁹ *Ibid*.

⁵¹⁰ *Ibid*.

⁵¹¹ Fahriye Altunay et al, 'Development of Education Rights for Disabled Children in Northern Cyprus and Evaluation of Grants for Their Families' (2018) 52(2) *Quality & Quantity* S1267.

lack adequate educational facilities and support when compared to their non-disabled counterparts.⁵¹² Moreover, the higher education experience of disabled persons has been previously reported in a research study to be unpleasant, as a result of their lacking adequate support required for them to fulfil their academic goals.⁵¹³ For example, disabled persons who participated in the study suggested they had no adequate access to the learning environment and were not provided with the advocacy necessary to achieve their full rights as students.⁵¹⁴ Findings from these studies imply that the education rights of disabled persons need to be enhanced so that they can fulfil their life goals, since being educated can increase opportunities available to them in terms of employment and economic advancement.

4.3.3 Disabled Persons and the Right to Employment

States Parties to the CRPD are required to ensure that disabled persons have equal opportunity and access to the labour market as other members of the community.⁵¹⁵ According to the Convention, disabled persons need to be provided with the necessary support through legislation and other actions in order to protect their rights to employment, such as participation in the labour market, trade unions, and career advancement.⁵¹⁶ States Parties are also mandated to provide healthy and safe working environments which facilitate the capacity of disabled persons to function to their best and contribute significantly to labour market development without any form of discrimination.⁵¹⁷ There is also the requirement to facilitate vocational and professional rehabilitation, job retention and return-to-work programmes, as well as protection from forced labour.⁵¹⁸

Despite the expectations and goals expressed in the CRPD regarding the protection of employment rights of disabled persons, research has shown the reality facing this population in the labour market to be completely different. According to several studies, disabled persons

⁵¹² Ibid.

⁵¹³ Sarah Holloway, 'The Experience of Higher Education from the Perspective of Disabled Students' (2001) 16(4) *Disability & Society* 613.

⁵¹⁴ Ibid.

⁵¹⁵ CRPD (n 286) art 27(1)(b).

⁵¹⁶ Ibid art 27(1)(c).

⁵¹⁷ Ibid art 27(1)(b).

⁵¹⁸ Ibid art 27(1)(d).

continue to face more barriers in achieving stable employment than those without disabilities.⁵¹⁹ In a study conducted by Buckup involving 10 developing nations, unemployment and labour inactivity of disabled persons were found to be between 32 per cent and 100 per cent depending on their impairment level.⁵²⁰ Another study reported that 33.7% of disabled persons were employed compared to 72.2% of non-disabled persons.⁵²¹ Moreover, a report about Organisation for Economic Co-operation and Development countries suggests that the employment rate of disabled persons is approximately 40 per cent lower while their unemployment rate is twice higher than the average for others.⁵²² According to Vick *et al.*, individuals with psychosocial and intellectual disabilities are particularly likely to remain unemployed as they face higher stigmatisation than others.⁵²³

One of the obstacles affecting the disabled persons' job prospects and stability is that most working environments are not designed to suit their health or mobility needs.⁵²⁴ According to Schur, some disabled persons deal with fatigue and other health problems, which may make predictable full-time employment difficult for them to manage.⁵²⁵ Unfortunately, many workplaces are not willing to structure themselves in a way that accommodates the special needs of disabled persons, a situation that can lead to their employment rights being denied or violated in the process.⁵²⁶ Although one of the provisions of the CRPD is for the disabled persons to be given equal rights in terms of employment opportunities, the unique needs of

⁵¹⁹ Boris Miethlich and Ludomir Šlahor, 'Employment of Persons with Disabilities as a Corporate Social Responsibility Initiative: Necessity and Variants of Implementation' (2018) 6 *CBU International Conference Proceedings* 350; Lauren Lindstrom et al, 'Waging a Living: Career Development and Long-Term Employment Outcomes for Young Adults with Disabilities' (2011) 77(4) *Exceptional Children* 423, 434; Sally Lindsay, 'Discrimination and Other Barriers to Employment for Teens and Young Adults with Disabilities' (2011) 33(15–16) *Disability and Rehabilitation* 1340; Colin Barnes and Geof Mercer, 'Disability, Work, and Welfare: Challenging the Social Exclusion of Disabled People' (2005) 19(3) *Work, Employment and Society* 527.

⁵²⁰ Sebastian Buckup, *The Price of Exclusion: The Economic Consequences of Excluding People with Disabilities from the World of Work* (Employment Working Paper No 43, International Labour Office, 2009).

⁵²¹ Elena-Loreni Baciú and Theofild-Andrei Lazar, 'Between Equality and Discrimination: Disabled Persons in Romania' (2017) 13(51) *Transylvanian Review of Administrative Sciences* 5.

⁵²² Organisation for Economic Co-operation and Development, *Sickness, Disability and Work: Breaking the Barriers. A Synthesis of Findings Across OECD Countries* (OECD Publishing, 2010).

⁵²³ Brandon Vick et al, 'Poverty and Psychiatric Piagnosis in the US: Evidence from the Medical Expenditure Panel Survey' (2012) 15(2) *Journal of Mental Health Policy and Economics* 11.

⁵²⁴ Mohammad Ali et al, 'What Types of Jobs do People with Disabilities Want?' (2011) 21(2) *Journal of Occupational Rehabilitation* 200.

⁵²⁵ Lisa Schur, 'Barriers or Opportunities? The Causes of Contingent and Part-Time Work among People with Disabilities' (2003) 42(4) *Industrial Relations: A Journal of Economy and Society* 589.

⁵²⁶ *Ibid.*

disabled persons mean organisations can discriminate against them in their recruitment process. The issues facing disabled persons in terms of difficulties in achieving the same job opportunities as others have shown that there is need for actions towards developing and enforcing legislation that helps this group of people in exercising their employment rights.

4.3.4 Disabled Persons and their Right to an Adequate Standard of Living and Social Protection

Disabled persons have a right to an adequate standard of living and social protection as provided in Article 28 of the CRPD which recommends that States Parties promote the rights of disabled persons towards achieving an adequate standard of living, not just for themselves but their families as well.⁵²⁷ The Article identifies the need for disabled persons to have rights to necessities of life such as food, clothing, and housing, without any discrimination.⁵²⁸ State Parties are required to take the actions towards protecting disabled persons socially and ensuring they have the same access to clean water, affordable services, needed devices, and other support necessary to improve their living standard and general welfare.⁵²⁹ Social protection is critical to ensure social integration or acceptance of individuals who are prone to social exclusion, such as disabled persons.⁵³⁰ According to Guilar, enhancing social protection rights of disabled persons can help reduce their vulnerability and improve their general wellbeing.⁵³¹

Rather than seek to protect the social rights of disabled persons, the KSA resorted to the welfare system whose approach of addressing disability based on promoting charity and the medical management of disabled persons.⁵³² This tended to promote dependence, segregation, and the institutionalisation of disabled persons, thereby further restricting their capacity to live independently in society.⁵³³ Moreover, disabled persons were not afforded the opportunity to

⁵²⁷ CRPD (n 286) art 28.

⁵²⁸ Ibid.

⁵²⁹ Ibid.

⁵³⁰ Catalina Devandas Aguilar, 'Social Protection and Persons with Disabilities' (2017) 70(4) *International Social Security Review* 45.

⁵³¹ Ibid.

⁵³² Ibid.

⁵³³ Ibid 46.

demand their rights on an equal basis with others.⁵³⁴ This method of dealing with disability issues has bred a situation in which social protection of disabled persons is grossly inadequate.⁵³⁵ According to Banks et al., this problem is more pronounced in low and middle-income nations. They argued that the welfare system of dealing with a disability has only helped disabled persons achieve minimum living standards without realising their full potentials and long-term individual goals.⁵³⁶

4.3.5 Disabled Persons and the Right to Equal Justice, Liberty and Security

Article 13 of the CRPD highlights the importance of promoting the rights of disabled persons to have access to justice.⁵³⁷ The Article encourages States Parties to ensure effective access to justice for persons with disabilities on an equal basis with others by implementing procedural and age-appropriate accommodations. This would include providing adequate training to those administering or enforcing justice.⁵³⁸ Access to justice for disabled persons has been broadly described by Lord *et al* as:

a broad concept, encompassing people's effective access to the systems, procedures, information, and locations used in the administration of justice. Persons who feel wronged or mistreated in some ways usually turn to their country's justice system. Additionally, persons may be called upon to participate in the justice system, for example, as witnesses or as jurors in a trial. Unfortunately, persons with disabilities have often been denied fair and equal treatment before courts, tribunals, and other bodies that make up the justice system in their country because they have faced barriers to their access. Such barriers not only limit the ability of persons with disabilities to use the justice system, but they also limit their contributions to the administration of justice.⁵³⁹

⁵³⁴ Ibid.

⁵³⁵ Lena Morgon Banks et al, 'Disability and Social Protection Programmes in Low- and Middle-Income Countries: A Systematic Review' (2017) 45(3) *Oxford Development Studies* 223.

⁵³⁶ Ibid.

⁵³⁷ CRPD (n 286) art 13.

⁵³⁸ Ibid.

⁵³⁹ Janet E Lord et al, *Human Rights. Yes! Action and Advocacy on the Rights of Persons with Disabilities* (Human Rights Education Series: Topic Book 6, University of Minnesota Human Rights Resource Centre, 2009) ch 12 [12.1].

Access to justice in the context of disability is beyond the legal perspective as it also involves political, social, and cultural aspects, which are necessary to view disabled persons as having equal rights to others.⁵⁴⁰ The significance of promoting the rights of disabled persons' access to justice cannot be underscored. Research has already shown that disabled persons are significantly marginalised in several justice systems.⁵⁴¹ In particular, a study of the European Union has indicated that disabled persons' lack of access to justice can be attributed to underreporting of abuse and crimes committed against these individuals.⁵⁴² For example, 20 per cent of disabled persons who participated in another study conducted by Kilcommins suggested that they did not report abuse or crimes committed against them.⁵⁴³ According to the study, disabled persons' perceptions about the effectiveness of their judiciary system and potential success of criminal procedures influenced their decisions as to whether report the abuse or crimes they suffered.⁵⁴⁴ This study implies that nations need to design a way of promoting access to justice for disabled persons so that their rights can be fully protected. Apart from enhancing their access to justice, Article 14 of the CRPD also requires the nations around the world to promote the rights of disabled persons to freedom of choice and security without discrimination.⁵⁴⁵ The article suggests that countries need to ensure that disabled persons are not denied their liberty or personal security on the account of their disability.⁵⁴⁶

4.3.6 Disabled Persons and their Right to Habilitation and Rehabilitation, to Participate in Public Cultural & Activities

Article 26 of the CRPD requires State Parties to arrange, improve and expand comprehensive habilitation and rehabilitation services and programmes as a way of enhancing their capacity

⁵⁴⁰ Eilíonóir Flynn and Anna Lawson, 'Disability and Access to Justice in the European Union: Implication of the UN CRPD' (2013) 4 *European Yearbook of Disability Law* 17.

⁵⁴¹ David Allen Larson, 'Access to Justice for Persons with Disabilities: An Emerging Strategy' (2014) 3(2) *Laws* 220; Claire Edwards, Gillian Harold and Shame Kilcommins et al, 'Access to Justice for People with Disabilities as Victims of Crime in Ireland' (Research Paper, University College Cork February 2012) 55.

⁵⁴² Shane Kilcommins et al, *The Needs and Concerns of Victims of Crime in Ireland* (Report for the Commission for the Support of Victims of Crime, 2010).

⁵⁴³ *Ibid.*

⁵⁴⁴ *Ibid.*

⁵⁴⁵ *CRPD* (n 286) art 14.

⁵⁴⁶ *Ibid.*

to achieve and maintain maximum independence, ability, and full inclusion and participation in all spheres of life.⁵⁴⁷ Consequently, countries are tasked with the responsibility of providing early support and services necessary for disabled persons to reach a condition or position in which they can fully participate in all activities available within their communities.⁵⁴⁸ The article also mandates the States Parties to support the development of initial and ongoing training for professionals and staff providing habilitation and rehabilitation services to disabled persons.⁵⁴⁹ According to Johan Borg, Stig Larsson, and Per-Olof Ostergren, nations are still failing in their responsibility to support disabled persons' right to habilitation and rehabilitation, especially in obtaining available and affordable assistive technology.⁵⁵⁰ Also, providing vocational rehabilitation to disabled persons is important to improve their job prospects and to enable them to keep their jobs.⁵⁵¹

Article 29 encourages concerned nations to take action towards protecting the rights of disabled persons to participate in political and public activities as much as others.⁵⁵² The Convention also seeks the rights for disabled persons to vote and be voted within their communities without any form of discrimination.⁵⁵³ Nonetheless, participation in political activities still remains low in general.⁵⁵⁴ According to Schur et al., disabled persons' low participation in political activities can be attributed to their feelings of being incompetent and lack of support towards enhancing their political inclusion.⁵⁵⁵ Moreover, some barriers to disabled persons' exercise of their voting rights in elections have been identified as a lack of accessible voting stations and negative framing on disabled persons by society, especially in developing countries.⁵⁵⁶ Therefore,

⁵⁴⁷ Ibid art 26.

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid art 26(2).

⁵⁵⁰ Johan Borg, Stig Larsson and Per-Olof Ostergren, 'The Right to Assistive Technology: For Whom, for What, and by Whom?' (2011) 26(2) *Disability & Society* 152.

⁵⁵¹ Sven-Uno Marnetoft, 'Vocational Rehabilitation' in Reuben Escorpizo et al (eds), *Handbook of Vocational Rehabilitation and Disability Evaluation* (Springer, 2014) 73.

⁵⁵² *CRPD* (n 286) art 29.

⁵⁵³ Ibid.

⁵⁵⁴ Lisa Schur, Douglas Kruse and Peter Blanck, *People with Disabilities: Sidelined or Mainstreamed?* (Cambridge University Press, 2013) 92.

⁵⁵⁵ Ibid.

⁵⁵⁶ Mitzi Waltz and Alice Schippers, 'Politically Disabled: Barriers and Facilitating Factors Affecting People with Disabilities in Political Life within the European Union' (2021) 36(4) *Disability & Society* 520.

disabled persons' participation in political activities can improve if barriers affecting them in this area can be removed.⁵⁵⁷

In Article 30, the CRPD encourages the idea that nations need to provide the support required for disabled persons to enjoy rights to participate in cultural life, recreation, leisure and sport on an equal basis with the non-disabled populations.⁵⁵⁸ Participation of disabled persons in public activities is important as they have been identified to be marginalised in this aspect. According to a study undertaken by Guldvik, disabled persons are underrepresented in political activities, with their citizenship not fully recognised within the communities in which they live.⁵⁵⁹ According to the study, lack of political representation of the disabled is affected by the structure of political activities that is particularly unsuitable for disabled persons.⁵⁶⁰ Further research also found that some disabled persons are disfranchised, with their political and voting rights taken away due to the nature of the political structure in many nations, which does not encourage their participation.⁵⁶¹ This problem is further compounded by the lack of monitoring of disabled persons' participation in the political process in several countries.⁵⁶² These research outcomes imply that it is still urgent for countries to improve the participation of disabled persons in public life and the political process.

4.4 Summary of Chapter 4

The importance of protecting the fundamental rights of disabled persons to enjoy the same quality of life as everyone else cannot be overemphasised. The issue of giving and jealously guarding the rights of these special populations is at the core of the CRPD. Since disabled persons are often marginalised in society, their rights are neglected and not effectively protected or promoted. For this reason, this current chapter has provided an overview of the development of rights specific to disabled persons and has utilised studies concerning the

⁵⁵⁷ Ibid.

⁵⁵⁸ CRPD (n 286) art 29.

⁵⁵⁹ Ingrid Guldvik, 'Political Citizenship and Local Political Participation for Disabled People' (2013) 17(1) *Citizenship Studies* 76.

⁵⁶⁰ Ibid 77.

⁵⁶¹ Mark Priestley et al, 'The Political Participation of Disabled People in Europe: Rights, Accessibility and Activism' (2016) 42 (June) *Electoral Studies* 1.

⁵⁶² Ibid.

development of rights for disabled persons in various jurisdictions. An examination of the Convention on the Rights of Disabled persons focussed on the rights highlighted in the areas which need to be addressed and protected through States Parties taking the necessary measures or action. An overview of specific rights which are pertinent to this thesis were discussed. Also, the aspects of human rights relating to health, education, employment, living standard and social protection, habilitation and rehabilitation, equal justice and security, and participation in public activities are considered from the global perspectives. Therefore, more actions are still needed to bring this issue to the fore and improve the recognition of disabled persons' rights in general.

CHAPTER 5- SOCIAL PERCEPTION AND TREATMENT OF DISABLED PERSONS

5.1 Introduction

This chapter discusses issues around how disabled persons are perceived and treated. The perception of disability is an important issue that impacts both the well-being of disabled persons and how they are judged in society. The chapter begins by examining some important disability models (medical model, social model, diversity model, and affirmation model) that have been previously used to explain the perception of disabled persons. The perceptions that disabled persons have about themselves are also discussed. This is followed by a section that considers the perceptions of others about disabled persons, which differ across various cultural backgrounds. An overview of the treatment of disabled persons in some countries and the KSA is then provided.

5.2 Disability Models

Several models have played an important role in the development of a set of values, objectives, and beliefs that guide society's perceptions, ethical behaviour, and decision-making with respect to treatment of disabled persons.⁵⁶³ However, the medical model, the social model, the diversity model, and the affirmation model are among the most prominent.

One of the disability models that has defined society's perception about disabled persons over the years is the medical model. The medical model connects disability to an individual, a problem that is directly caused by disorders, injuries, or other health conditions affecting the person.⁵⁶⁴ The model suggests that medical treatment or intervention should be emphasized to help in eliminating the disabilities associated with an individual.⁵⁶⁵ The medical model views

⁵⁶³ Iryna Babik and Elena Gardner, 'Factors Affecting the Perception of Disability: A Developmental Perspective' (2021) 12 *Frontiers in Psychology* 2459.

⁵⁶⁴ Toby Brandon and Gary Pritchard, 'Being Fat': A Conceptual Analysis Using Three Models of Disability' (2011) 26(1) *Disability & Society* 79.

⁵⁶⁵ *Ibid.*

disabled persons as patients or individuals with a medical condition who need to be cured or deficits within them corrected by rehabilitating them medically, vocationally or psychologically.⁵⁶⁶ The goal of the medical model is for society to remove or address impairments that place disabled persons in a disadvantaged position as a way of ensuring their full social participation. For example, medical model thinking has influenced the KSA government's idea of building some medical facilities for the purpose of catering for the healthcare needs of disabled persons in the country. Also, policies such as the MOH's Patient Bill of Rights and Responsibilities have been developed to show the government's seriousness about improving healthcare access for this population group.

The social model thinking is that full participation of disabled persons in society is near impossible without first eliminating issues limiting their capacity.⁵⁶⁷ Consequently, society has been taking steps to heal and rehabilitate disabled persons so that they can achieve the same capacity as non-disabled persons.⁵⁶⁸ The social model of disability is based on the concept that disability is not a feature of an individual, but a problem created by society.⁵⁶⁹ The perception of disability based on the social model is that disabled persons have no impairments or personal issues that require correction, rather the problem lies largely with the unaccommodating society that creates barriers for this group in the population and takes delight in oppressing them.⁵⁷⁰ The idea of social model suggests that disability is imposed on disabled persons by society through their systemic isolation and exclusion from everyday activities such as participating in community-based sporting events or the labour market.⁵⁷¹ According to the social model of disability, systemic discrimination confronting disabled persons may have originated from society's unfavourable attitudes to disabled persons as well as its reluctance to eliminate environmental obstacles hindering their full participation.⁵⁷² Therefore, the social model is

⁵⁶⁶ Liz Crow, 'Including All of Our Lives: Renewing the Social Model of Disability' in Johnathan Rix et al (eds), *Equality, Participation and Inclusion* (Routledge, 2010) 124.

⁵⁶⁷ *Ibid.*

⁵⁶⁸ *Ibid.*

⁵⁶⁹ Keith Barney, 'Disability Simulations: Using the Social Model of Disability to Update an Experiential Educational Practice' (2012) 27(1) *SCHOLE: A Journal of Leisure Studies and Recreation Education* 1.

⁵⁷⁰ Cecillie Bingham et al, 'Towards a Social Model Approach? British and Dutch Disability Policies in the Health Sector Compared' (2013) 42(5) *Personnel Review* (2013) 623.

⁵⁷¹ *Ibid.*

⁵⁷² Michael Palmer and David Harley, 'Models and Measurement in Disability: An International Review' (2012) 27(5) *Health Policy and Planning* 357.

about fully integrating disabled persons into society.⁵⁷³ The social model suggests that society can eliminate disability through social action and responsibility to make the required environmental changes that facilitate full participation of disabled persons in all spheres of life.⁵⁷⁴ One of the major social adjustments that society has been encouraging as a result of social model of disability thinking is to make buildings and or other built environments accessible to wheelchair users.⁵⁷⁵ Social model perspectives have also influenced several concepts such as Braille books, audio recordings of books and newspapers, and large printed materials to assist the visually impaired with reading.⁵⁷⁶ The overall perception of disability has improved due to social model thinking. This has led to actions towards improving inclusion and society's treatment of disabled persons.⁵⁷⁷ Despite these benefits, some criticisms have also trailed this model of disability. There is an argument that social model's neglect of impairments as part of living issues for many disabled persons is not helpful in better understanding and incorporating their whole experience in creating equality for them in society.⁵⁷⁸

The diversity model is an offshoot of the social model, which suggests that disability is a unique diverse cultural and socio-political experience and identity.⁵⁷⁹ According to the model, this thinking would allow society to better appreciate disability as part of human diversity, therefore, we should work towards valuing and celebrating it as part an individual's identity.⁵⁸⁰ The diversity model suggests that disability can be described in the same category of demographic identifiers as race and gender.⁵⁸¹ The proponents of the diversity model contend that disability has long been ignored as an individual difference within the continuum of

⁵⁷³ Michael Palmer, 'Social Protection and Disability: A Call for Action' (2013) 41(2) *Oxford Development Studies* 140.

⁵⁷⁴ Ibid.

⁵⁷⁵ Tom Shakespeare, 'The Social Model of Disability' in Lennard J Davis (ed), *The Disability Studies Reader* (Routledge, 2nd ed, 2006) 197, 200.

⁵⁷⁶ Junaid Rayini, 'Library and Information Services to the Visually Impaired Persons' (2017) 1510 *Library Philosophy and Practice (E-Journal)* 1510:1–13, 6.

⁵⁷⁷ Mike Oliver, 'The Social Model of Disability: Thirty Years On' (2013) 28(7) *Disability & Society* 1024.

⁵⁷⁸ Shakespeare, 'The Social Model of Disability' (n 575) 217.

⁵⁷⁹ Barbara Altman, 'Disability Definitions, Models, Classification Schemes, and Applications' in Gary L Albrecht, Katherine D Seelman and Michael Bury (eds), *Handbook of Disability Studies* (Sage, 2001) 97.

⁵⁸⁰ Erin Andrews et al, 'Providing Culturally Competent Supervision to Trainees with Disabilities in Rehabilitation Settings' (2013) 58(3) *Rehabilitation Psychology* 233.

⁵⁸¹ Ibid.

diversity.⁵⁸² The diversity model perspective is based on the understanding that significant barriers to negative attitudes toward disabled persons are due to discrimination and prejudice against them.⁵⁸³ However, negative perceptions of disabled persons can be addressed if society recognises a distinct and emerging disability culture and identifies individuals with disabilities as a unique cultural group rather than solely as people with medical conditions that need to be free from social barriers.⁵⁸⁴ The idea of a diversity model prompted some scholars to adopt the use of the term ‘Disabled’ with a capital first letter D to show their commitment to disability culture instead of focusing on impairments.⁵⁸⁵

Another model that has shaped the perception of disabled persons is the affirmation model. According to Swain and French⁵⁸⁶, the affirmation model takes a ‘non-tragic view of disability and impairment, which encompasses positive social identities, both individual and collective ... grounded in the benefits of lifestyle and life experience of being impaired and disabled.’ The advocates of this model believe that despite the negative perspectives that are normally associated with disability, being disabled also come with an opportunity to achieve an enhanced or fulfilled life.⁵⁸⁷ The model seeks to encourage affirmation of a disabled life and counter the narrative of non-disabled persons that having a disability is tantamount to worthlessness, without any value for society.⁵⁸⁸ For example, some disabled persons have used their disability to develop their capacity in art forms, art works, and art productions, thereby demonstrating the positive side of disability experience.⁵⁸⁹ The model suggests that disabled persons can actually escape class oppression and abuse due to their disability conditions.⁵⁹⁰ Moreover, the perception of disabled persons based on this model is that disability and impairment sometimes provide an opportunity to excuse disabled persons from society’s expectations and

⁵⁸² Erin E Andrews, ‘Disability Models’ in Maggi A Budd et al (eds), *Practical Psychology in Medical Rehabilitation* (Springer, 2017) 77, 79.

⁵⁸³ *Ibid.*

⁵⁸⁴ *Ibid.*

⁵⁸⁵ *Ibid.*

⁵⁸⁶ Cathy McCormack and Bethan Collins, ‘The Affirmative Model of Disability: A Means to Include Disability Orientation in Occupational Therapy?’ (2012) 75(3) *British Journal of Occupational Therapy* 156.

⁵⁸⁷ *Ibid.*

⁵⁸⁸ *Ibid.*

⁵⁸⁹ Paddy Masefield, *Strength: Broadides from Disability on the Arts* (Trentham Books Limited, 2006) 22.

⁵⁹⁰ John Swain and Sally French, ‘Towards an Affirmation Model of Disability’ (2000) 15(4) *Disability & Society* 574.

requirements, which can be difficult to fulfill.⁵⁹¹ For example, a disabled person quoted in Shakespeare et al stated that, ‘I am never going to conform to society’s requirements, and I am thrilled because I am blissfully released from all that crap. That’s the liberation of disfigurement’⁵⁹²

5.3 Disabled Persons’ Perception of Disability

The importance of understanding the perceptions of disabled persons about disability could not be underscored. The thoughts individuals develop about themselves may impact how they present themselves, which, in turn, can affect others’ perception of them.⁵⁹³ According to Olney and Brockelman, people ‘with disabilities adapt their mode of self-perception to specific situations. They might choose to embrace, reject, conceal, or reveal a disability for any number of reasons.’⁵⁹⁴ Research has suggested that, due to the negative stereotypes, some disabled persons have an unfavourable disposition towards disability and aversion to being identified with it.⁵⁹⁵ However, some studies have identified that some disabled persons demonstrate a positive attitude towards disability, devoid of negative emotions.⁵⁹⁶ In a study examining how disabled persons perceive themselves, Watson found that most of them rejected the idea of identifying them as having a disability.⁵⁹⁷

Several factors have been attributed to why some disabled persons reject the idea of being identified with a disability. They are broadly categorised as relating to social, psychological, health and vocational factors.⁵⁹⁸ According to LoBianco and Sheppard-Jones, the roles that disabled persons play within their families (such as partaking in house cleaning and

⁵⁹¹ Ibid.

⁵⁹² Tom Shakespeare, Kath Gillespie-Sells and Dominic Davies, *The Sexual Politics of Disability: Untold Desires* (Cassell, 1996) 81

⁵⁹³ Nick Yee and Jeremy Bailenson. ‘The Difference between Being and Seeing: The Relative Contribution of Self-Perception and Priming to Behavioral Changes via Digital Self-Representation’ (2009) 12(2) *Media Psychology* 195.

⁵⁹⁴ Marjorie Olney and Karin Brockelman, ‘Out of the Disability Closet: Strategic Use of Perception Management by Select University Students with Disabilities’ (2003) 18(1) *Disability & Society* 35.

⁵⁹⁵ Anthony F LoBianco and Kathy Sheppard-Jones, ‘Perceptions of Disability as Related to Medical and Social Factors’ (2007) 37(1) *Journal of Applied Social Psychology* 1.

⁵⁹⁶ Ibid.

⁵⁹⁷ Nick Watson, ‘Well, I know This Is Going to Sound Very Strange to You, But I Don’t See Myself as a Disabled Person: Identity and Disability’ (2002) 17(5) *Disability & Society* 509.

⁵⁹⁸ LoBianco and Sheppard-Jones (n 595) 2; Lawren Daltroy et al, ‘Objectively Measuring Physical Ability in Elderly Persons: The Physical Capacity Evaluation’ (1995) 85(4) *American Journal of Public Health* 558.

contributing to family expenses) or decent relationships they enjoy often lead them into developing a perception that they do not have a disability.⁵⁹⁹ Additionally, participants in a study conducted by Daltroy et al suggested that having a face-to-face social connection, living in a more cohesive community, and their ability to participate in community activities, such as shopping, made them think of themselves as individuals without a disability.⁶⁰⁰ Moreover, an ability to secure employment, socialise and interact with members of the opposite sex are other factors that have made several disabled persons consider themselves as individuals without a disability.⁶⁰¹ Some disabled persons do not regard themselves as having a disability as long as they can perform common daily activities such as feeding, bathing, personal hygiene and ambulating.⁶⁰²

However, an Australian study has shown that difficulties with integrating within workplace settings may affect disabled persons' perception of their condition, causing a situation in which they think of their disabilities as a curse.⁶⁰³

5.4 Public Perception of Disabled Persons

The difficulty with defining disability has generally affected how it is publicly perceived.⁶⁰⁴ The perception of disability is subjective, with being disabled viewed as a vehicle for achieving political power by a section of society while some see it as a moral judgment.⁶⁰⁵ For some, disabled persons are those who cannot help themselves.⁶⁰⁶ According to this school of thought, some people claim to be disabled as a means of becoming lazy and seeking special rights and

⁵⁹⁹ LoBianco and Sheppard-Jones (n 595).

⁶⁰⁰ Daltroy et al (n 598).

⁶⁰¹ Ibid.

⁶⁰² Ibid.

⁶⁰³ Marie Yazbeck, 'Attitudes toward People with Intellectual Disabilities: An Australian Perspective' (2004) 15(2) *Journal of Disability Policy Studies* 97.

⁶⁰⁴ Mary Johnson, 'Before Its Time: Public Perception of Disability Rights, the Americans with Disabilities Act, and the Future of Access and Accommodation' (2007) 23 *Journal of Law & Policy* 132, 132–3.

⁶⁰⁵ Ibid.

⁶⁰⁶ Ibid.

attention that they do not deserve.⁶⁰⁷ However, such a narrow definition of disability means that only a few would be categorised as disabled.

Research has shown that perceptions about disability differ from one culture to another.⁶⁰⁸ This accounts for why individuals view disability from different perspectives, which invariably affects how society treats this population group in general.⁶⁰⁹ The social perception of disability across several cultural groups in some countries has been investigated. For example, in a study conducted in the USA, college students were found to mostly have positive social perceptions towards intellectually disabled persons.⁶¹⁰ The participants reported that they were comfortable around intellectually disabled persons, knowledgeable about their capacity and rights, and willing to interact with them.⁶¹¹ In another American study, Griffin and Stein indicated that a military culture downplays the importance of disability, which has continued to have dire consequences for veterans seeking employment after service.⁶¹² According to the study, this has resulted in higher unemployment rate for disabled veterans in the USA compared to the general population.⁶¹³ The military stresses the importance of soldiers to possess strength, resilience and bravery during their basic training and throughout their entire career.⁶¹⁴ As a result of being ingrained in this culture, disabled soldiers who are unable to fulfil their military duties are perceived as failure, weak, and inadequate.⁶¹⁵ Draper et al., investigated the perception of disability in American workplace settings⁶¹⁶ and found that individuals perceived

⁶⁰⁷ Ibid.

⁶⁰⁸ Margaret Semrud-Clikeman et al, 'Direct and Indirect Measures of Social Perception, Behavior, and Emotional Functioning in Children with Asperger's Disorder, Nonverbal Learning Disability, or ADHD' (2010) 38(4) *Journal of Abnormal Child Psychology* 509.

⁶⁰⁹ Sanaa Mohamed Madi, Anne Mandy and Kay Aranda, 'The Perception of Disability among Mothers Living with a Child with Cerebral Palsy in Saudi Arabia' (2019) 6 *Global Qualitative Nursing Research* 2333393619844096:1–11.

⁶¹⁰ Allyson Phillips et al, 'College Students' Social Perceptions toward Individuals with Intellectual Disability' (2019) 30(1) *Journal of Disability Policy Studies* 3.

⁶¹¹ Ibid 9.

⁶¹² Christopher Griffin Jr and Michael Ashley Stein, 'Self-Perception of Disability and Prospects for Employment among US Veterans' (2015) 50(1) *Work* 56.

⁶¹³ Ibid.

⁶¹⁴ Travis K Lunasco et al, 'One Shot-One Kill: A Culturally Sensitive Program for the Warrior Culture' (2010) 175(7) *Military Medicine* 509.

⁶¹⁵ M David Rudd, 'Soldiers Need Help with the Emotional Toll of War', *USA Today* (online, 3 March 2010).

⁶¹⁶ William Draper et al, 'Workplace Discrimination and the Perception of Disability' (2011) 55(1) *Rehabilitation Counseling Bulletin* 29.

as disabled were disproportionately discriminated against.⁶¹⁷ The research provided evidence to suggest that discrimination faced by this population in work environments was as a result of negative perceptions shown towards them by others.⁶¹⁸

In a study on Australia, Yazbeck et al found students and disability services professionals in Australia to have significantly more positive attitudes towards disabled persons than members of the general Australian population.⁶¹⁹ Specifically, the authors reported that the younger population, individuals with superior educational achievement, and those who had previously interacted with disabled persons had better perceptions of a disability.⁶²⁰ Such categories of people were also found to support the idea of community inclusion of disabled persons and advancing their fundamental rights within society.⁶²¹ A related study however found that Australian society still has a negative perception towards disability especially for those with an intellectual impairment who present with behaviours of concern, thereby implementing their basic rights under CPRD to be challenging in Australia.⁶²² The media representation of disabled persons in Australia has negatively influenced the public perception of this population group. As a result, Australian states such as Queensland (QLD), Western Australia (WA), and New South Wales (NSW) have, since the mid-90s and 2000s, developed guidelines aimed at addressing this problem.⁶²³ According to the QLD guidelines, media have been portraying disabled persons with inappropriate terms and catchphrases over the years. However, there is an increased awareness that such way of describing this population group is offensive and demeaning.⁶²⁴

⁶¹⁷ Ibid.

⁶¹⁸ Ibid.

⁶¹⁹ Yazbeck (n 603) 97.

⁶²⁰ Ibid.

⁶²¹ Ibid.

⁶²² Jeffrey Chan, 'Challenges to Realizing the CRPD (CRPD) in Australia for People with Intellectual Disability and Behaviours of Concern' (2016) 23(2) *Psychiatry, Psychology and Law* 207.

⁶²³ Disability Services Queensland, 'A Way with Words: Guidelines for the Portrayal of People with a Disability' (The State of Queensland, 2005); Disability Services Commission, 'Putting People First – A Guide to Respectful Terminology when Referring to People with Disabilities' (Fact Sheet 11, Disability Services Commission 2008); Western Australian Government; Joan Hume, *Media Guidelines* (Disability Council of NSW 1995).

⁶²⁴ Disability Services Queensland (n 623) 1–2.

According to the QLD government, the media deliberately ignore disabled persons in matters of public interest, such as environment and transport, and are only interested in featuring them when an opportunity to highlight their disabilities arises.⁶²⁵ The QLD guidelines encourage the media to ensure that disabled persons within the state are portrayed fairly and accurately in a way that does not make them feel less of a human being.⁶²⁶ The WA guidelines suggests that the media's manner of labelling disabled persons often influences public perceptions of this group, with much emphasis placed on their disability while ignoring other roles they play in society, such as being parents, doctors and involved in other professions that promote a better world.⁶²⁷ The guidelines were designed to inspire a positive portrayal and inclusion of disabled persons. In a similar vein, the NSW guidelines were conceived on the belief that the media have significant power in shaping general perceptions or attitudes shown towards disabled persons in society.⁶²⁸ The guidelines indicate that representing disabled persons as helpless, mindless or individuals who are going through hard times and deserve to be pitied has contributed to discriminatory treatment that this population group has been receiving over the years.⁶²⁹ The guidelines set by the states of QLD, WA, and NSW are grounded on the idea that the media must portray disabled persons as individuals first and refrain from stereotyping them as people who share the same interests or are alike on account of their disabilities.⁶³⁰

In the African region, the perception of disability has been reported to be negative. According to Bunning et al., disabled persons in Kenyan rural communities are perceived as a burden and are not portrayed with any positivity.⁶³¹ These communities see individuals with a disability as not fit for society and, therefore, of a lower priority.⁶³² Moreover, another study that covered the experiences of disabled persons across Kenya found that some of them reported outright

⁶²⁵ Ibid.

⁶²⁶ Ibid.

⁶²⁷ Western Australian Government (n 623); Hume (n 623).

⁶²⁸ Hume (n 623) 1.

⁶²⁹ Ibid 11.

⁶³⁰ Disability Services Queensland (n 623); Disability Services Commission (n 623); Western Australian Government; Hume (n 623).

⁶³¹ Karen Bunning et al, 'The Perception of Disability by Community Groups: Stories of Local Understanding, Beliefs and Challenges in a Rural Part of Kenya' (2017) 12(8) *PLoS One* e0182214:1–20.

⁶³² Ibid.

rejection from Kenyan society.⁶³³ Otieno indicates that religious perspectives about disability play an important role in how the Kenyans generally view disabled persons.⁶³⁴ The study found that many people in Kenya see disabled persons as individuals that have been cursed by God due to their sins or those of their forefathers. Consequently, they deserve the punishment of being inflicted with disabilities by God.⁶³⁵ Research has also found the perception of disability in Nigeria to be negative due to the general misunderstanding of this population group.⁶³⁶ This problem was reported to significantly affect children with disabilities as Nigerian society downplays the importance of their conditions.⁶³⁷ Similarly, in South Africa, data from the general population show that non-disabled persons in the country have negative attitudes towards disabled persons.⁶³⁸ For example, non-disabled people are reluctant to have sexual relationships with disabled persons due to their social stigmatisation and general anxiety and fear that such commitments would entail a significant burden of care.⁶³⁹

5.5 Treatment of Disabled Persons

Research evidence suggests that disabled persons are treated fairly in some cultures while others mete out inhuman treatments to them. Several of the cultural beliefs of disability in Africa include that it is caused by an ancestral curse, a family or parents' sins, a result of wrongdoings of past generations or the disabled persons, and demonic or evil powers.⁶⁴⁰ Such misconceptions about disabled persons are frequently being promoted by ill-informed and unresponsive media coverage, thereby reinforcing negative views of this social group.⁶⁴¹ Munyi

⁶³³ Pauline A Otieno, 'Biblical and Theological Perspectives on Disability: Implications on the Rights of Persons with Disability in Kenya' (2009) 29(4) *Disability Studies Quarterly*.

⁶³⁴ *Ibid.*

⁶³⁵ *Ibid.*

⁶³⁶ Michael Eskay, 'Disability within the African Culture' in Omiunota N Ukpokodu and Peter Ukpokodu (eds), *Contemporary Voices from the Margin: African Educators on African and American Education* (Information Age Publishing, 2012) 197.

⁶³⁷ *Ibid.*

⁶³⁸ Xanthe Hunt et al, 'Dating Persons with Physical Disabilities: The Perceptions of South Africans without Disabilities' (2018) 20(2) *Culture, Health & Sexuality* 141.

⁶³⁹ *Ibid.*

⁶⁴⁰ Division for Social Policy and Development, United Nations Department of Economic and Social Affairs, 'Toolkit on Disability for Africa: Culture, Beliefs and Disability' (United Nations, 2016) 5.

⁶⁴¹ *Ibid.*

gave an account of how blind individuals were banished or ill-treated in some cultures in contrast to others that provided them with special treatment.⁶⁴² Moreover, there is a report showing how disabled persons are completely excluded in several cultures, treated as outcasts or economic liabilities by their families and communities.⁶⁴³ However, in some cultural settings, disabled persons are accepted and accorded respect as well as providing opportunities to achieve their full capabilities.⁶⁴⁴

Examples demonstrating how disabled persons are specially treated in some cultures have been identified in the literature. In the Chagga culture of East Africa, physically handicapped individuals are viewed as pacifiers of evil spirits.⁶⁴⁵ Consequently, extra caution is normally taken to avoid hurting these people.⁶⁴⁶ In the Republic of Benin, physically challenged persons are preferred as law enforcement personnel.⁶⁴⁷ Moreover, in several Benin communities, disabled children are regarded as individuals under the protection of certain supernatural forces.⁶⁴⁸ For this reason, disabled children are cherished due to the general perception that they would bring good luck to their families and communities.⁶⁴⁹ Similarly, the Turkana culture in Kenya considers disabled children as a special gift from God that must be treated with great care to avoid the wrath of their deities.⁶⁵⁰ As a result, disabled children are given the utmost care and treated very well in this culture.⁶⁵¹

While disabled persons are treated fairly in some cultures as exemplified above, there is also documented evidence of others treating this population with disdain. An example of such is the Ashanti culture in Ghana that holds traditional beliefs that physically challenged persons

⁶⁴² Chomba Wa Munyi, 'Past and present perceptions towards disability: A historical perspective' *Disability studies quarterly* (2012) 2(32).

⁶⁴³ *Ibid.*

⁶⁴⁴ *Ibid.*

⁶⁴⁵ Mark Mostert, 'Stigma as Barrier to the Implementation of the CRPD in Africa' in Charles Ngwena et al (eds), *African Disability Rights Yearbook* (Pretoria University Law Press, 2016), vol 4, 3, 9.

⁶⁴⁶ *Ibid.*

⁶⁴⁷ *Ibid.*

⁶⁴⁸ Edwin Zulu, '“Watipa Leza”: A Critical Re-Engagement of Nsenga (African) Religious Values and Disability' (2016) 20(1–2) *Journal of Disability & Religion* 84.

⁶⁴⁹ *Ibid.*

⁶⁵⁰ Angi Stone-MacDonald and Gretchen Digman Butera, 'Cultural Beliefs and Attitudes about Disability in East Africa' (2012) 8(1) *Review of Disability Studies* 7.

⁶⁵¹ *Ibid.*

should not be allowed to attain the position of a community leader or chief.⁶⁵² There was also a history of disabled children being rejected in Ghana, for example children with six fingers being murdered upon their birth and others being abandoned at the riverbanks.⁶⁵³ Additionally, several communities in Ugandan and Kenya have been identified to hold the assumption that disabled persons are made incapacitated by God as a punishment for their sins or those of their parents or to prevent them from committing iniquities against God.⁶⁵⁴ Nonetheless, some members of this community have been reported to treat disabled persons with dignity based on their perceptions of disability within the context of their religious faith. Such community people are open to the idea that disabled persons must be allowed to thrive within their community and more included in social activities.⁶⁵⁵ Disabled persons are also treated with rejection and as a cursed people in certain Kenyan and Zimbabwe communities. According to Bjorn, this maltreatment is based on the traditional belief that disabled persons represent shame to their families and their communities and are incapable of bringing any benefits to society and themselves.⁶⁵⁶ As a result of this perception, disabled persons in these communities are given much less priority in terms of getting attention, education, healthcare, nutrition, and upbringing needed to survive and live to their full potentials.⁶⁵⁷

Research evidence indicates that the extent to which disabled persons are treated is not directly associated with the society's financial or technical capacity.⁶⁵⁸ For example, it has been observed that despite having better financial resources and technical knowhow, disabled persons are not treated better in the USA than in several European nations like Sweden and Denmark.⁶⁵⁹ According to a research outcome, these countries offer better rehabilitation services to disabled persons than the USA.⁶⁶⁰ The better treatment provided to disabled persons

⁶⁵² Munyi (n 642) 2.

⁶⁵³ Ibid.

⁶⁵⁴ Robert Aley, 'An Assessment of the Social, Cultural and Institutional Factors that Contributeto the Sexual Abuse of Persons with Disabilities in East Africa' (Research Report, Advantage Africa, November 2016) 20.

⁶⁵⁵ Ibid.

⁶⁵⁶ Munyi (n 642) 2.

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

⁶⁵⁹ Ibid.

⁶⁶⁰ Ibid.

in most Scandinavian countries is attributed to the pervading philosophy in their cultures that everybody in their societies must be treated fairly irrespective of their disabling conditions.⁶⁶¹

5.5.1 Factors Affecting Treatment of Disabled Persons

Several factors impact how disabled persons are treated around the world, including in the KSA. Cultural beliefs of local communities have been identified as one issue contributing to the ill-treatment of disabled persons.⁶⁶² According to Bunning et al., cultural beliefs of people within communities can shape their understanding of disabled persons and how they would treat them.⁶⁶³ Human beings have been described as a ‘culture-producing species’ and ‘culture produced.’⁶⁶⁴ Consequently, communal narratives, formed as a reaction to a disability, may also affect societal treatment of disabled persons.⁶⁶⁵ According to Mostert, lack of deep understanding and awareness about the causes of disability has given rise to the development of cultural and religious beliefs about disability, which continue to promote unfair treatments being meted to disabled persons in several communities.⁶⁶⁶ Moreover, Aley reported that poor treatment of disabled persons in African countries can be attributed to dangerous cultural beliefs and misunderstandings about the concept of disability and its causes as well as lack of clarity about the roles and rights of disabled persons in their communities.⁶⁶⁷

These misconceptions about the causes of disability have been reported to result in cruel treatment of disabled persons in several countries especially developing nations. For example, cases of infanticide (killing of newly born babies) involving disabled babies have been identified in countries such as Nepal, Togo, Kenya, and Sierra Leone.⁶⁶⁸ In these nations, infanticide is being perpetrated due to the cultural beliefs that having disabled children signifies

⁶⁶¹ Ibid.

⁶⁶² Bunning et al (n 631).

⁶⁶³ Ibid.

⁶⁶⁴ Urie Bronfenbrenner, *Making Human Beings Human: Bioecological Perspectives on Human Development* (Sage, 2005).

⁶⁶⁵ Ibid.

⁶⁶⁶ Mostert (n 645).

⁶⁶⁷ Aley (n 654) 20.

⁶⁶⁸ Isabel Inguanzo, *The Situation of Indigenous Children with Disabilities* (Report, Policy Department, Directorate-General for External Policies, European Union, 2017) 20, 32, 34; Janet Njelesani et al, ‘From the Day They Are Born: A Qualitative Study Exploring Violence Against Children with Disabilities in West Africa’ (2018) 18 *BMC Public Health* 153:1–7, 5.

that family is under punishment or curses from their ancestral gods or that the disabled babies are spirits and not human beings.⁶⁶⁹ Apart from infanticide, there are cases of fathers deserting the family, putting pressure on the mother to care solely for the family.⁶⁷⁰ Moreover, misunderstandings about disability have led to their being left out of official statistics, thereby becoming unreported.⁶⁷¹ The invisibility of disabled persons has been also identified as a problem in the KSA, as discussed previously in this chapter. The stigma and the negative perceptions associated with disabled persons can lead to violence and abuse.⁶⁷² Since disabled persons are regarded as worthless, they are predisposed to a higher risk of violence than others.⁶⁷³ A study examining violence against disabled children in some African nations revealed that the perpetrators often cited children's disability as reasons for teasing, bullying, limiting food access, and inflicting bodily injuries to them.⁶⁷⁴

According to various studies, culture influences people's understanding of disability, however, an individual's exposure to persons of diverse disabilities can also play a crucial factor in how they are treated.⁶⁷⁵ Schwab found the increased number of interaction time with disabled persons and the closeness of such contact can lead to their improved treatment.⁶⁷⁶ The previous study by Allport has already identified that improved face-to-face interactions with a particular social group provide an opportunity to understand this group better, which can help others to treat them appropriately.⁶⁷⁷ However, limited contact with disabled persons by society has been making it difficult to eliminate the stigmatisation of this population group and therefore, to

⁶⁶⁹ Ibid.

⁶⁷⁰ Nicole Ditchman, 'How Stigma Affects the Lives of People with Intellectual Disabilities: An Overview' in Katrina Scior and Shirli Werner (eds), *Intellectual Disability and Stigma* (Palgrave Macmillan, 2016) 31.

⁶⁷¹ Inguanzo (n 668) 31.

⁶⁷² Njelesani et al (n 668) 6.

⁶⁷³ Ibid.

⁶⁷⁴ Anita Franklin et al, 'Children with Albinism in African Regions: Their Rights to "Being" and "Doing" ' (2018) 18(1) *BMC International Health and Human Rights* 2:1–8.

⁶⁷⁵ Megan Armstrong, 'Interventions Utilising Contact with People with Disabilities to Improve Children's Attitudes Towards Disability: A Systematic Review and Meta-Analysis' (2017) 10(1) *Disability and Health Journal* 12; Megan MacMillan et al, 'The Association between Children's Contact with People with Disabilities and Their Attitudes towards Disability: A Systematic Review' (2014) 56(6) *Developmental Medicine & Child Neurology* 529; Susanne Schwab, 'The Impact of Contact on Students' Attitudes towards Peers with Disabilities' (2017) 62 *Research in Developmental Disabilities* 160; Nora Shields and Nicholas Taylor, 'Contact with Young Adults with Disability Led to a Positive Change in Attitudes toward Disability among Physiotherapy Students' (2014) 66(3) *Physiotherapy Canada* 298.

⁶⁷⁶ Schwab (n 675).

⁶⁷⁷ Bunning et al (n 631).

their fair treatment.⁶⁷⁸ This problem has further been aggravated by the fact many nations try to provide separate services for disabled persons, thereby perpetuating their obscurity and reducing their interaction with others. Although some services being offered to disabled persons, such as special schools and care homes may be beneficial to their overall quality of life, excluding them from society altogether may be counterproductive and help further negative labels of these individuals, thereby leading to their poor treatment.⁶⁷⁹

The unfavourable treatment of the disabled can also be related to the common belief that disabled persons have nothing to contribute to their communities.⁶⁸⁰ According to Mostert, hostile treatment of disabled persons persists due to many believing the misconception that they are a burden, with little or no capacity to contribute to the overall good of their families and communities.⁶⁸¹ For example, some communities in developing countries still have a firm perception that disabled persons cannot live independently and require continuous support from others to survive.⁶⁸² Consequently, they are considered as people who constitute financial and resource liability, not only to their families but their communities at large, thereby leading to a negative portrayal of families that have disabled persons as members.⁶⁸³ Moreover, such low expectations regarding the ability of disabled to reach their full potentials have resulted in a situation where they are excluded from gaining an appropriate education. A problem of this nature has been previously reported in Gabon.⁶⁸⁴ Lack of adequate education together with a negative perception of disabled persons can worsen their ability to find or retain employment as employers do not have full confidence in their capacity to deliver the level of performance required.⁶⁸⁵

⁶⁷⁸ Roy McConkey, 'Citizenship and People with Intellectual Disabilities: An International Imperative?' in Brian Watermeyer, Judith McKenzie and Leslie Swartz (eds), *The Palgrave Handbook of Disability and Citizenship in the Global South* (Palgrave Macmillan, 2019) 327, 6-7.

⁶⁷⁹ Katrina Scior et al, '*Intellectual Disabilities: Raising Awareness and Combating Stigma. A Global Review*' (Report, University College London, 2015) 101.

⁶⁸⁰ Aley (n 654) 15,18.

⁶⁸¹ Mostert (n 645) 17.

⁶⁸² Ibid.

⁶⁸³ Ibid.

⁶⁸⁴ Division for Social Policy and Development (n 640) 6.

⁶⁸⁵ Mostert (n 645) 11.

The type of disability is another factor that has been established as affecting how disabled persons are treated in their communities. According to Al-Ghaib et al, stigmatisation of disabled persons varies depending on the types and severity of their impairments.⁶⁸⁶ The level of prejudices and stigmatisation suffered by disabled persons has been found to depend on when they acquired the disabilities and the impairment types.⁶⁸⁷ According to Inguanzo and Njelesani, disabled persons are prone to worse treatment when born with impairment than when acquired after birth as some cultures believe that the family must have committed certain evil offences or been cursed to deserve disabled newborns as punishment.⁶⁸⁸ Moreover, individuals with visible impairments have been reported to be at a greater risk of unfair treatment compared to those having invisible disabilities.⁶⁸⁹ Also, research has suggested that intellectually disabled persons and those with severe mental health issues normally face greater harsh treatment than individuals having physical or sensory disabilities.⁶⁹⁰ Nonetheless, individuals with sensory impairments have been categorised among the most abused and secluded in society.⁶⁹¹ In the study examining disabled children in some African nations, those who had visual, communicative and cognitive impairments were found to face most discrimination and violence due to the erroneous belief that their condition was probably contagious.⁶⁹²

5.6 Perception and Treatment of Disabled Persons in the KSA

Traditionally, the KSA favours an extended family system that usually comprises couples, their children and their spouses, and their grandchildren.⁶⁹³ Family members are expected to show a high level of commitment to each other and accept familial responsibilities as this helps them

⁶⁸⁶ Ola Abu Al-Ghaib, Karen Andrae and Rachel Gondwe, 'Still Left Behind: Pathways to Inclusive Education for Girls with Disabilities' (Report, Leonard Cheshire Disability, 2017) 13.

⁶⁸⁷ Inguanzo (n 668) 26; Njelesani et al (n 668) 5.

⁶⁸⁸ Ibid.

⁶⁸⁹ Inguanzo (n 668) 11.

⁶⁹⁰ Katrina Scior, 'Toward Understanding Intellectual Disability Stigma: Introduction' in Katrina Scior and Shirli Werner (eds), *Intellectual Disability and Stigma: Stepping Out from the Margins* (Palgrave Macmillan, 2016) 3.

⁶⁹¹ Ibid.

⁶⁹² Njelesani et al (n 668) 5.

⁶⁹³ Madi, Mandy and Aranda (n 609) 7.

to build family cohesion and personal identity.⁶⁹⁴ Due to the closely-knitted relationships and Islamic values that are shared by family members, they are obligated to provide care for disabled persons, with little to no involvement of formal institutions or government.⁶⁹⁵ However, many family members who are responsible for the care of disabled persons lack an appropriate level of knowledge or expertise required to do this effectively.⁶⁹⁶ Since family members are assumed to have the sole duty of care for disabled persons within their family, the society lacks a full appreciation of disability and believes it is a family problem, without obligations placed on society.⁶⁹⁷

Despite the expectations from Islamic religion that society should care for their disabled populations, disabled persons in the KSA have often faced marginalisation. This is due to society's lack of awareness about disability and perception that this population group represents shame to their families and their communities.⁶⁹⁸ According to Al-Jadid, the KSA society's general perception is that disability is hereditary, thereby putting families of disabled persons in a bad spotlight.⁶⁹⁹ For this reason, many formal organisations tend to use the term 'people with special needs' and avoid the term 'disability' to prevent families of disabled persons being subjected to public scorn and negative perception.⁷⁰⁰ Moreover, disabled girls are often hidden from the public and sheltered in the family home as making them visible may affect the chances of their sisters becoming married or lead to their families being treated with humiliation or rejection.⁷⁰¹ Lack of visibility of disabled persons in society has generally led to negative perceptions shown towards this population group as society barely has the opportunity to interact with them.⁷⁰²

⁶⁹⁴ Ibid.

⁶⁹⁵ Ibid.

⁶⁹⁶ Ibid.

⁶⁹⁷ Daliah Alkhoul, 'Employment Policy for People with Disabilities in Saudi Arabia' (PhD Dissertation, Manchester Metropolitan University, 2015).

⁶⁹⁸ Ibid.

⁶⁹⁹ Maher Saad Al-Jadid, 'Disability Trends in Saudi Arabia: Prevalence and Causes' (2014) 93(1) *American Journal of Physical Medicine & Rehabilitation* S47 ('Disability Trends in Saudi Arabia').

⁷⁰⁰ Ibid.

⁷⁰¹ Ibid.

⁷⁰² Ibid.

According to Alkhouli, the KSA society has low expectations of disabled persons, which are further reinforced by the ineffective implementation of government policies designed to provide level-ground for this population group.⁷⁰³ For example, research has indicated that, due to the negative perception of disabled persons in the KSA, most organisations in the country care less about providing them with appropriate tools necessary to work efficiently.⁷⁰⁴ These organisations give higher priority to equipping ‘able-bodied’ employees rather than those with disabilities as they consider them as not viable.⁷⁰⁵ Moreover, most employers lack an understanding of disability and regard the cost of hiring and maintaining disabled persons to be too high when compared to the benefits they bring.⁷⁰⁶ This negative perception of disabled persons in the KSA society has led to their being alienated from both the public and private sectors.⁷⁰⁷

Several examples of maltreatment of disabled persons have been documented in the KSA. In 2013, some disturbing photos of abuse were circulated online of patients admitted in a centre for the mentally disabled located in the city of Douasser.⁷⁰⁸ The videos captured the degrading living conditions of mentally disabled persons in the centre. In one of the photos, an adolescent can be seen tied to a railing. In another one, a piece of cloth is used to tie a young man to a bed while other photos display naked patients waiting to have a bath shower as a group and some patients eating from the floor.⁷⁰⁹ These photos demonstrate lack of professionalism of the concerned centre and the demeaning way disabled persons are treated in Saudi society. In response to several worldwide condemnations that followed online release of these photos; the Saudi MHRSD launched an investigation into the reported incidents of abuses going on in the centre.⁷¹⁰ However, the results of this investigation cannot be found in the public domain. This further demonstrates that issues regarding disabled persons are not receiving deserved attention

⁷⁰³ Alkhouli (n 697) 2.

⁷⁰⁴ Ibid.

⁷⁰⁵ Ibid.

⁷⁰⁶ Ibid.

⁷⁰⁷ Ibid.

⁷⁰⁸ ‘Disturbing Photos of Abuse of Mentally Disabled Patients in a Saudi Centre’, *France 24 Observers* (online, 18 November 2013) <<https://observers.france24.com/en/20131118-photos-abuse-saudi-mentally-disabled>>.

⁷⁰⁹ Ibid.

⁷¹⁰ Ibid.

from the KSA authorities as evident in the missing files for the investigations on occurrences that indicate outright violations of the right of disabled persons.

Also, in 2010, a worker at the Comprehensive Rehabilitation Centre in Jeddah was alleged to have hit a young disabled man with a stick, breaking his foot in the process.⁷¹¹ MHRSD and police investigated the incident.⁷¹² The MHRSD announced that the man was discovered with a contused and swollen left foot after he was beaten up with a stick.⁷¹³ The man's left foot was reportedly broken based on the hospital report, with the physical injuries linked to his being hit by a stick.⁷¹⁴ The accused man was reportedly arrested by Police, with its spokesperson confirming that the man confessed to have unintentionally injured the disabled person.⁷¹⁵ Like in the incident at the city of Douasser, the outcome of police investigation and prosecution of this incident remains publicly unknown to the present date.

Another incident concerning sexual abuse of a disabled girl by a taxi driver working for an app-based ride-hailing company in Madinah was captured in a video.⁷¹⁶ The affected girl was identified as non-verbal, which made her to be a target of abuse for the lustful driver.⁷¹⁷ The driver can be seen in the posted video harassing the girl and went as far as threatening with a knife as the girl was filming the incident.⁷¹⁸ This incident attracted the attention of the KSA Attorney General, who ordered the arrest of this driver.⁷¹⁹ The report went further to suggest that the driver was later arrested by Madinah Police as confirmed by its spokesperson. Another report suggested that the government commenced the prosecution of the rude driver without

⁷¹¹ 'Jeddah: Asian Worker Suspected of Hitting Disabled Saudi', *Daiji World* (online, 2 October 2010) <<https://www.daijiworld.com/news/newsDisplay?newsID=86814>>.

⁷¹² Ibid.

⁷¹³ Ibid.

⁷¹⁴ Ibid.

⁷¹⁵ Ibid.

⁷¹⁶ 'Saudi Police Arrested a Driver Who Sexually Harassed a Disabled Girl', *Life in Saudi Arabia* (Web Page) <<https://lifeinsaudi Arabia.net/saudi-police-arrested-a-driver-who-sexually-harassed-a-disabled-girl/>>.

⁷¹⁷ Ibid.

⁷¹⁸ Ibid.

⁷¹⁹ Ibid.

waiting for the formal complaints to be lodged by the affected girl.⁷²⁰ However, there is no publicly available information as to whether the accused driver was charged to court for prosecution or not. It would be very useful if the outcome of the legal proceedings instituted against this accused driver were made public as a deterrent to other potential offenders.

The above examples show that there is a lack of public information on the outcomes of cases where disabled persons are involved. The lack of information in public offices is a clear indication of the underlying difficulties of exposing the challenges faced by disabled persons in the KSA. There is a lack of transparency in regard to how disabled persons are treated and also how their issues are handled in the public arena. Following this, it is necessary to seek ways of enhancing transparency on matters involving disabled persons. Cases that are reported to government entities should be openly investigated and the violated rights identified, with consequent punishment for the violation. Enhancing transparency on matters involving disabled persons would be a major step towards recognizing them as valuable people in the society and who are full actors in society at large.

5.7 Summary of Chapter 5

Social perceptions of disability can affect not just the attitudes of the public to this population group but how they are treated. Research evidence has established that disabled persons are perceived and treated differently than the rest of populations around the world. The social perception and treatment of disabled persons play a crucial role in their ability to thrive in their communities. Consequently, the focus of this chapter was to review previous studies and reports that have investigated social perception and treatment of disabled persons around the world, with reference made to the KSA society. This chapter began by dissecting information regarding how disabled persons perceive themselves. This aspect was considered important since how people perceive themselves can greatly impact on how others see them. Based on the reviewed studies, it was found that some disabled persons have a positive perception while others do not see themselves in good light, depending on a range of social, psychological, health and vocational factors. Also, the chapter identified perceptions that others have towards disabled persons, which were found to differ from one culture to another. These differences

⁷²⁰ Nada Hameed, 'Driver Held in Saudi Arabia after Video Shows his Harassment of Special Needs Girl', *Arab News* (online, 12 March 2018) <<https://www.arabnews.com/node/1264756/saudi-arabia>>.

were reported in this chapter. Following this, an overview of the perception and treatment of disabled persons in the KSA was presented. In particular, the impact that the culture of hiding disabled persons has had on their public perception was discussed. Finally, factors affecting the societal perception and treatment of disabled persons were examined with examples of several cultures and communities used to strengthen the discussion around this topic. The examination of issues discussed in this chapter suggests that more studies are still required to further understand the social perception and treatment of disabled persons in the KSA.

CHAPTER 6 – COMPARATIVE ANALYSIS OF THE TREATMENT OF DISABLED PERSONS

6.1 Introduction

One of the methods that utilised for comparing and contrasting the legal practices in different countries is comparative analysis.⁷²¹ It is an essential instrument in the field of legal practise since it contributes to the formulation of legitimate laws and policies.⁷²² This chapter compares the treatment of disabled persons in the KSA with some selected countries in relation to the five major aspects of human rights. The major aspects of human rights recognised in CRPD include those concerning disabled persons' rights to health, education, employment, living standard and social protection, and equal justice and security. Specifically, the chapter examines these nations' treatment of disabled persons towards supporting their health, education, employment, living standard and social protection, and equal justice and security. The selected countries, which will be used as a comparison are, the UK, Ireland, Australia and New Zealand. These countries have been chosen due to their being State Parties to the CRPD. This is due to the fact that they are comprehensible and encompass all the fundamental rights necessary for disabled persons to be considered normal. Second, they have recognised the essential reasons of the complexities of disability rights, as well as the fact that their legislators have treated them in accordance with relevant non-discrimination and distributive justice principles. Thirdly, they include all the relevant required procedures presented as practical standards to enforce the laws. In this way, they link theory to practice. Finally, they meet all criteria pertaining to international human rights. In particular, international equal opportunity standards for disabled persons. As a direct result of this, disabled persons in these countries live the same lives as any other regular person and are treated with widely respected. Some important lessons that the KSA can gain from how disabled persons' rights are treated in these countries will be highlighted.

⁷²¹ Vincenzo Zeno-Zencovich, 'Comparing Comparative Law' [2020] (Summer) *Comparare* 227,233.

⁷²² *Ibid.*

6.2 The Treatment of Disabled Persons: Health

As already discussed in Chapter 4, the UN identifies access to health as one of the most important rights that countries must provide to their disabled populations towards improving their well-being. The right to health is a universal right that all human beings are entitled to enjoy.⁷²³ Like everyone else, disabled persons also have a right to health and deserve to attain the best possible health outcome.⁷²⁴ However, there is disparity between the KSA government and authorities of other nations in how they are treating disabled citizens in relation to achieving optimum health outcome for them.

6.2.1 The KSA Treatment of Disabled Persons in Relation to Health

The treatment of disabled persons' health in the KSA still requires a great improvement to align with the goals of the UN's CRPD despite some actions by the KSA government to address this problem. Article 25 of the CRPD provides disabled persons the right to the highest possible level of health care, free from discrimination based on the nature of their condition.⁷²⁵ Several provisions of article 25 in the CRPD pertain to disabled persons' access to health care services in collaboration with healthcare professionals.⁷²⁶ The provision of health care on the basis of free and informed consent, training and the promulgation of ethical standards for public and private health care, raising awareness of disabled persons' rights, and services designed to minimise and prevent further disabilities within the healthcare system.⁷²⁷ The MOH's Patient Bill of Rights and Responsibilities in KSA is one such concern.⁷²⁸ This Bill was implemented in 2012.⁷²⁹ This is due to the UN's pressure on the KSA government, as well as the fact that developed countries place a high value on patient rights.⁷³⁰ However, the level of awareness in Saudi Arabia is low, and the rights are often considered only when health-care providers make

⁷²³ Office of the United Nations High Commissioner for Human Rights, 'The Right to Health' (Fact Sheet No 31, Office of the United Nations High Commissioner for Human Rights, 2008) <<https://www.ohchr.org/documents/publications/factsheet31.pdf>>.

⁷²⁴ Editorial (n 489).

⁷²⁵ CRPD (n 286) art 25.

⁷²⁶ CRPD (n 286) art 25(1)(a) & (d).

⁷²⁷ Ibid.

⁷²⁸ Ministry of Health, *Patient's Bill of Rights and Responsibilities* (Ministry of Health, 2006).

⁷²⁹ Rufaidah Mohammad Dabbagh et al, 'Patient bill of rights knowledge and perceived practice among females visiting a patient safety event at King Saud University' (2022) 5(3) *Journal of Nature and Science of Medicine* 247.

⁷³⁰ Ibid.

mistakes that result in death or disability, indicating poor quality patient care.^{731,732,733} Some of the provisions of this Bill include prioritising the medical treatment of disabled persons. For example, the bill stipulates the right of disabled persons to access preventive and rehabilitative healthcare services, which include preventive genetic counselling, and laboratory examinations required for early diagnosis of diseases.⁷³⁴ In addition to this, and via the bill, the government promised disabled persons in the KSA the right to access medical rehabilitation services that range from physical and occupational therapies, treatment of speech and hearing conditions and prosthetic devices.⁷³⁵ However recent research has criticised the health services provided to the disabled persons in KSA.^{736,737,738}

The KSA government aimed to make some progress towards improving the health and wellbeing of disabled persons through the Patient's Bill of Rights and Responsibilities. However, major challenges with the implementation of this regulation have made it ineffective.⁷³⁹ Challenges include, for instance, the use of technology in figuring out how to offer the updated health information to disabled persons in a way they can understand, engaging them in decisions regarding their care, and allowing them to file complaints if they are unsatisfied with the results.⁷⁴⁰ Consequently, disabled persons in the KSA have continued to experience unequal and limited access to healthcare services.⁷⁴¹

Almarki, Fitzgerald and Clark found that over 50% of physically disabled persons are confronted with several challenges in accessing health care services and do not find services

⁷³¹ Nasser Alqahtani et al, 'Assessment of the patients' awareness regarding their rights and responsibilities in the major governmental hospitals in Riyadh, Saudi Arabia' (2019) 3(2) *International Journal of Medicine in Developing Countries* 198, 203.

⁷³² Dabbagh (n 729).

⁷³³ Mahlagha Dehghan et al, 'Comparison of the importance and observance of the patient's bill of rights from the perspectives of patients and personnel of hospitals in Kerman' (2020) 13(5) *Journal of Medical Ethics and History of Medicine* 2, 3.

⁷³⁴ *Ibid* s 6.

⁷³⁵ *Ibid* s 7.

⁷³⁶ Madi (n 609)

⁷³⁷ Mohamed Khalil et al, 'The future of integrative health and medicine in Saudi Arabia' (2018) 7(4) *Integrative medicine research* 317,318.

⁷³⁸ Tabrez Uz Zaman and Moath Alsolami, 'A comprehensive review on the usefulness of telehealth intervention for children with disability with special reference to Saudi Arabia' *International Journal Pharmaceutical Sciences & Research* (2018) 9(11): 4534.

⁷³⁹ Al-Jadid, 'Disability Trends in Saudi Arabia' (n 699).

⁷⁴⁰ Sawsan alsharif et al, 'Assessment of Knowledge of the Importance of Patients' Right in From the Perspective of senior Medical Students'[2019] *European Journal of Molecular & Clinical Medicine* 216, 217.

⁷⁴¹ *Ibid*.

offered satisfactory.⁷⁴² One of the problems identified is shortage of experienced healthcare professionals to offer quality care to disabled persons.⁷⁴³ For example, despite the government's promise of free medical services, disabled persons in the KSA are having problems accessing dental care due to a lack of qualified dentists required to meet their dental care needs.⁷⁴⁴ This study found that there is a need for the government to train more healthcare professionals to offer different specialised healthcare services such as physiotherapy, speech therapy, occupational therapy, and rehabilitation, among others.⁷⁴⁵

Another problem limiting disabled persons' access to healthcare is lack of accessible medical care facilities or buildings. For example, the majority of the disabled participants who participated in Alkawai and Alowayyed's study indicated that they were not provided with a comfortable seat (60%) and did not receive appropriate attention (63.3%).⁷⁴⁶ Moreover, 66.4% of the study participants suggested they were not happy with the toilets available to them while 63.2% and 65.8% of them were not satisfied with access doors and lack of emergency buttons or telephones in the medical buildings where they normally receive healthcare services.⁷⁴⁷ The study also reported that 64.8%, 79.3%, and 71.6% of the disabled participants were not satisfied with the parking spots allocated to disabled persons, inadequacy of the parking spots, and the limited space between each parking lot.⁷⁴⁸ The participants were also not satisfied with wheelchair services available for their use in the medical facilities. They were specifically unhappy with available options to request for the service through telephone (79%), the adequacy of the wheelchairs (67%), ability to use the wheelchair independently (65.2%) and quality of the chairs (62.3%).⁷⁴⁹ As a result of the devastating effects of restricted access to healthcare services by disabled persons in the KSA, several arguments have been made on the need for

⁷⁴² Mohammed Almalki, Gerard FitzGerald and Michele Clark, 'Health Care System in Saudi Arabia: An Overview' (2011) 17(10) *Eastern Mediterranean Health Journal* 790.

⁷⁴³ Ibid.

⁷⁴⁴ Najlaa Alamoudi et al, 'Dentists' Perception of the Care of Patients with Special Health Care Needs in Jeddah, Saudi Arabia' (2017) 5(3) *Journal of Oral Hygiene Health* 223.

⁷⁴⁵ Ibid.

⁷⁴⁶ Fatimah Alkawai and Abdullah Saad Alowayyed, 'Barriers in Accessing Care Services for Physically Disabled in a Hospital Setting in Riyadh, Saudi Arabia, Cross-Sectional Study' (2017) 7(2) *Journal of Community Hospital Internal Medicine Perspectives* 83.

⁷⁴⁷ Ibid.

⁷⁴⁸ Ibid.

⁷⁴⁹ Ibid.

government to improve access of disabled persons to such important healthcare buildings in the KSA.⁷⁵⁰

6.2.2 Comparative Analysis of the Treatment of Disabled Persons in Relation to Health

The treatment of disabled persons in the KSA in relation to health has been described as poor, with major actions necessary from government to improve access to health for disabled persons in the country. However, treatment of disabled persons in relation to their health was found to be much better in the European countries of the UK and Ireland than in the KSA.⁷⁵¹ In the UK, the healthcare needs of disabled persons are largely met with the availability of healthcare professionals dedicated to providing specialist medical care, support primary care services toward establishing health needs of disabled persons and meeting such.⁷⁵² Research has also indicated that most disabled persons in the UK have access to medical assistive technology devices such as crutches, wheelchairs, and prostheses for those with mobility impairments, hearing aids and cochlear implants for disabled persons with hearing disabilities, communication boards for those with speech impairments, and day calendars with symbol images for those with cognitive impairments.⁷⁵³ However, the outcome of investigation into inequalities in the UK's health system showed that individuals with mental illness and intellectually impaired people were not receiving an appropriate level of care.⁷⁵⁴ The unmet medical needs of people with mental illness and intellectual impairments were due to high costs associated with their healthcare services.⁷⁵⁵

Research suggests that a majority of disabled persons in Ireland have access to healthcare. In a study that examined the 10-year trends of access to healthcare services among disabled persons in Ireland, Doyle et al., indicated that the majority of them were seeing at least four categories of healthcare professionals (for example, occupational therapists, psychiatrist, and speech

⁷⁵⁰ Al-Jadid, 'Disability Trends in Saudi Arabia' (n 699).

⁷⁵¹ Ahmad S Alsaif, 'The Rights of Disabled Persons and Discrimination: A Comparative Study in British, American and Saudi Arabian Disability Law' (PhD Dissertation, Newcastle University, 2009) <<https://theses.ncl.ac.uk/jspui/handle/10443/1047>>.

⁷⁵² World Health Organization and the World Bank (n 1) 75.

⁷⁵³ World Health Organization and the World Bank (n 1) 75.

⁷⁵⁴ Tom Shakespeare, Lisa Lezzoni and Nora Groce, 'Disability and the Training of Health Professionals' (2009) 374(9704) *Lancet* 1816.

⁷⁵⁵ Sakellariou and Rotarou (n 487).

therapists).⁷⁵⁶ According to the study, the unmet health needs of disabled persons are generally low in Ireland.⁷⁵⁷ However, the study suggested that people with mild disabilities are more likely to have less access to healthcare services compared to those having severe disabilities in the country.⁷⁵⁸ In an earlier study conducted by D'Eath et al., disabled persons in Ireland reported positive experiences with the health services provided to them.⁷⁵⁹ The disabled persons suggested they had a good access to general medical services, dental medical services, mental health services, and preventive health programmes.⁷⁶⁰ However, their access to healthcare services such as speech therapy and physiotherapy was not as good.⁷⁶¹ The study also found that health services were generally made more accessible to disabled persons with significant support from their family members, friends, and the goodwill of health professionals.⁷⁶²

The treatment of disabled persons' health appears to be better in Australia and New Zealand than in the KSA based on the available statistics. According to the data presented by Australian Institute of Health and Welfare (AIHW), only 7.6% of disabled persons of below 65 years in Australia do not see a doctor when required due to the associated costs.⁷⁶³ This means that 93.4% of disabled persons in Australia can see a doctor when needed.⁷⁶⁴ However, the report suggests 24% of disabled adults in Australia experience very good or excellent health.⁷⁶⁵ According to the 2013 New Zealand Disability Survey, 24% of the people in New Zealand regarded themselves as disabled persons.⁷⁶⁶ In New Zealand, where the New Zealand Disability Survey (2013) indicated that Māori, the indigenous population, had a higher (age-adjusted)

⁷⁵⁶ Anne Doyle et al, 'Predictors of Access to Healthcare Professionals for People with Intellectual Disability in Ireland' (2020) *Journal of Intellectual Disabilities* (advance).

⁷⁵⁷ *Ibid.*

⁷⁵⁸ *Ibid.*

⁷⁵⁹ Maureen D'Eath et al, *The Experience of People with Disabilities in Accessing Health Services in Ireland: Do Inequalities Exist?* (Report to the National Disability Authority, May 2005).

⁷⁶⁰ *Ibid.*

⁷⁶¹ *Ibid.*

⁷⁶² *Ibid.*

⁷⁶³ Australian Institute of Health and Welfare, 'People with Disability in Australia 2020' (Catalogue No DIS 72, Australian Institute of Health and Welfare, 2020) <<https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/health/access-to-health-services>>.

⁷⁶⁴ *Ibid.*

⁷⁶⁵ *Ibid.*

⁷⁶⁶ Ministry of Health, '2013 New Zealand Disability Survey' *Stats NZ archive website* (accessed on 22 May 2015) <http://archive.stats.govt.nz/browse_for_stats/health/disabilities/other-versions-disability-survey-2013.aspx#gsc.tab=0>.

prevalence of disability (32%) than Europeans (24%) and Asians (17%).⁷⁶⁷ Based on recent statistics, it reveals that Māori disabled persons aged 65 and older were less likely to have an unmet need to consult with a health professional than non-Māori disabled adults in the same age group.⁷⁶⁸ Nevertheless, for all other age groups, the proportion of Māori with an unmet need was greater.⁷⁶⁹ Eventually, in relation to indigenous disabled persons in Australia and New Zealand, participants in a recent research study, including users, agreed that Article 25 and any other CRPD mandates had not yet been met.⁷⁷⁰ Their entitlement to the greatest achievable standards of health without discrimination and the underlying determinants of good health continue to be violated, with present systems failing to reduce the high prevalence of ill health among indigenous persons with disabilities.⁷⁷¹

Based on the statistics from the selected countries, it is apparent that the Saudi healthcare system still has work to do in terms of promoting the treatment rights of disabled persons. The treatment of disabled persons' health in the KSA still requires great improvement to align with the goals of the UN's CRPD despite some actions by the KSA government to address this problem. For instance, The MOH has been allocated SR 79,846,364 out of SR 990,000.000 from the total state budget for the fiscal year 2021/2022.⁷⁷² The budgeted amount, which represents 7.82% of the state budget, is the highest allocated budget provided to MOH during the last decade.⁷⁷³ However, it does not reflect the need for improvement of health services for disabled persons and requires significant government action to improve access and health services for disabled persons in the country.⁷⁷⁴ Hence, the MOH officials should review and reevaluate the current situation of the Saudi healthcare system in the following areas:

Healthcare financing is regarded as one of the most influential factors influencing country health outcomes. Adoption of an adequate financial strategy that ensures the provision of

⁷⁶⁷ Ibid.

⁷⁶⁸ Manatū Hauora, 'Disability' *Health Status Indicators* (accessed on 02 August 2018)

< <https://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-mana-hauora-tutou-health-status-indicators/disability>>.

⁷⁶⁹ Ibid.

⁷⁷⁰ Rivas Velarde, 'The Convention on the Rights of Persons with Disabilities and its implications for the health and wellbeing of indigenous peoples with disabilities: A comparison across Australia, Mexico and New Zealand' (2018) 5(2) *Disability and the Global South* 1441.

⁷⁷¹ Ibid.

⁷⁷² Ministry of Health, 'About' *The Budget of Ministry of Health* (Webpage, 26 May 2021)

<<https://moh.gov.sa/en/Ministry/About/Pages/Budget.aspx>>

⁷⁷³ Ibid.

⁷⁷⁴ Ahmed Alasiri and Viqaruddin Mohammed, 'Healthcare Transformation in Saudi Arabia: An Overview Since the Launch of Vision 2030' (2022) 15 *Health Services Insights* 1,2.

comprehensive health care to the disabled persons is necessary for achieving health system goals.⁷⁷⁵ To improve the strategy, officials in the health sector should evaluate the performance of the health system and prioritise the distribution of resources across diverse activities in order to obtain the best health results. It is a fundamental component that has an effect on the performance of the healthcare system, including the provision of primary healthcare and the extent to which it is accessible.⁷⁷⁶ There are trade-offs inherent in all healthcare financing approaches followed and applied by different governments around the world.⁷⁷⁷ For instance, in the UK and Ireland, the payment approaches applied may enhance quality or access but also encourage the unnecessary use of curative services.^{778,779} The financial resources available for health are always finite, and a government's decisions about resource allocation impact how primary health care is prioritised compared to other components of the health system.⁷⁸⁰

Another area that the MOH officials should consider is the level of awareness of patient's rights by patients and healthcare providers and how to acknowledge these rights more effectively.⁷⁸¹ The implementation of patients' rights should not constrain the practise of medicine. Rather, it can help in the development of healthcare procedures and achieve an equal allocation of responsibility among the patient, the physician, and the nurse. When health care professionals, beneficiaries, and institutions achieve the appropriate levels of knowledge and awareness about the law, the implementation of patient rights appears to be more successful. All stakeholders in the health care system, including patients, health care professionals, and policymakers, are responsible for implementing and sustaining the Patient Bill of Rights. It has been proven that the main source of knowledge about patients' rights is found on wall placards (43.5%), followed by the different mass media outlets (34.8%).⁷⁸² As such, to increase the level of awareness of patients' rights, it is important to place placards at strategic places in hospitals and other public

⁷⁷⁵ Mohammad Alharbi, 'Does health financing in Saudi Arabia need a national health accounts framework?' (2018) 12(4) *International Journal of Health Sciences* 72.

⁷⁷⁶ Ibid.

⁷⁷⁷ Bilal Aziz, 'Governance Facilitators and Challenges in the Implementation of the Health Financing Strategy in Tanzania 2019', *Ifakara Health Institute* (Retrieved from <<https://policycommons.net/artifacts/1783272/governance-facilitators-and-challenges-in-the-implementation-of-the-health-financing-strategy-in-tanzania-2019/2514918/>>)

⁷⁷⁸ Thomas F. Crossley, and Federico Zilio, 'The health benefits of a targeted cash transfer: The UK winter fuel payment' (2018) 9(27) *Health economics*, 1354-1356.

⁷⁷⁹ Bridget Johnston, Steve Thomas and Sara Burke, *People Afford to Pay for Health Care?* new evidence on financial protection in Ireland (2020) 7.

⁷⁸⁰ Crossley (n 778).

⁷⁸¹ Madi (n 609).

⁷⁸² Mohamed Mahrous, 'Patient's bill of rights: Is it a challenge for quality health care in Saudi Arabia?' (2017) 5(3) *Saudi Journal of Medicine & Medical Sciences* 256.

spaces.⁷⁸³ Similarly, it would be necessary to seek other innovative methods that can increase patients' rights awareness among patients and their accompanying family members. For instance, technology is omnipresent and is becoming increasingly integrated into practically every facet of our everyday lives.⁷⁸⁴ Significant progress has been achieved in the application of technology to improve patient care.⁷⁸⁵ Over the past decade, millions have been invested in healthcare technology. Technology helps contribute to increasing patients' rights awareness by fostering communication between providers and patients via online portals, text messaging, and email.⁷⁸⁶ mainly on making our health care system more efficient in terms of how it is run, as well as giving patients more access and coverage.⁷⁸⁷ Research has indicated that the mass media also play a significant role in creating awareness on the patients' legal and social right by providing access to programs and information that can inform the patient on their rights and how to ensure that those rights are respected. However, the use of mass media requires elaborate planning as facilitated by the high-level management of the healthcare facility, making it necessary to be well prepared for it. For instance, if each facility has to launch a media campaign, the effectiveness of such campaigns increases when they are coordinated by a regional health agency or ministry that has oversight of facilities providing services.

6.3 The Treatment of Disabled Persons: Education

The treatment of disabled persons' access to education can play a critical role in their ability to achieve social and economic success.⁷⁸⁸ According to UNESCO data, between 2005 and 2015, about 87% of non-disabled persons from 49 countries had primary or secondary education compared to 77% of disabled persons.⁷⁸⁹ An estimated literacy rate for adults with disabilities

⁷⁸³ Ibid.

⁷⁸⁴ Jennifer Portz et al, 'Using the technology acceptance model to explore user experience, intent to use, and use behavior of a patient portal among older adults with multiple chronic conditions: descriptive qualitative study' (2019) 21(4) *Journal of medical Internet research*.

⁷⁸⁵ Ibid.

⁷⁸⁶ Hussain Aldawood et al, 'A Contemporary Review of Raising Health Awareness Using ICT for Application in the Cyber Security Domain' (2019) *International Conference in Engineering Applications (ICEA)*.

⁷⁸⁷ Ibid.

⁷⁸⁸ Susan Peters, '“Education for all?” A Historical Analysis of International Inclusive Education Policy and Individuals with Disabilities' (2007) 18(2) *Journal of Disability Policy Studies* 98.

⁷⁸⁹ United Nations Educational, Scientific and Cultural Organization, 'Education and Disability: Analysis of Data from 49 Countries' (Information Paper No 49, United Nations Educational, Scientific and Cultural Organization, March 2018) <<http://uis.unesco.org/sites/default/files/documents/ip49-education-disability-2018-en.pdf>>.

in developing countries is put at between 1% and 5%.⁷⁹⁰ This indicates that disabled persons are not being treated on equal basis with others in terms of their access to education around the world. Nonetheless, there is a need to determine how the education of disabled persons is treated in the KSA compared to Bahrain, Pakistan, Ireland, the UK and Australia.

6.3.1 The KSA Treatment of Disabled Persons in Relation to Education

The treatment of disabled persons' access to education in the KSA deserves the attention of the government. Disabled persons in the country are generally less educated than the other population groups due to their limited access to education opportunities.⁷⁹¹ The KSA government has been placing greater emphasis on the medical situation of disabled persons while neglecting their rights in terms of accessing equal education and training opportunities required for gaining economic and social power like the rest of the population. The KSA government aims to provide all citizens, including disabled students, with a free public education from the ages of 6 to 18. For the purpose of assisting special education programmes in meeting the CRPD's standards, the Ministry of Education released a guidebook of regulations in 2016.⁷⁹² This program makes higher education accessible to people who are able to attend institutions of higher education, but only impacts a small percentage disabled students. According to data from Saudi Arabia, just 1.3% of the student population in public schools and 0.27% of the student population in higher education receives special education services.⁷⁹³ The neglect of educational rights of disabled persons in the KSA is well reflected in the outcomes of a study conducted by the UN's department of economic and social affairs, which examined the issues affecting disabled persons across 41 countries around the world.⁷⁹⁴ Among the countries examined in the study, the highest gap in the completion rate of tertiary education between disabled and non-disabled persons was identified in the KSA.⁷⁹⁵ The study found that 30 per cent of non-disabled compared to seven per cent of disabled adults in the KSA had

⁷⁹⁰ United Nations Development Programme, *Human Development Report 1998* (Oxford University Press, 1998)

<http://hdr.undp.org/sites/default/files/reports/259/hdr_1998_en_complete_nostats.pdf>.

⁷⁹¹ Ibid.

⁷⁹² Ministry of Education, 'Regulations for Special Education Institutions and Programs.(2016) <https://departments.moe.gov.sa/SPED/Documents/RegulatoryGuide.pdf>

⁷⁹³ Alsalem, M., & Basham, J, 'Special Education in the Kingdom of Saudi Arabia. (2017) 3 (31) *The Praeger International Handbook of Special Education* 251.

⁷⁹⁴ United Nations Department of Economic and Social Affairs, 'Disability Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities—2018' (United Nations, 2019) 80.

⁷⁹⁵ Ibid.

completed tertiary education.⁷⁹⁶ The disparity in the achievement of tertiary education between disabled persons and those without a disability was much lower in countries such as Cambodia, Maldives, Uganda, Mauritania, Turkey, and Oman.⁷⁹⁷

The government of the KSA has established several educational institutions and training programmes targeted at disabled persons. For example, over the last six decades, the government has founded educational institutions such as the Al-Noor Institute of the Blind, Amal Institute for the deaf, and Intellectual Education Institute, among others.⁷⁹⁸ Despite the existence of these institutions, research has estimated that only about 13.2% of all disabled persons in the KSA have or are working towards secondary education.⁷⁹⁹ In other words, approximately 87% of disabled persons in the country have not gained a secondary level of education. This is in sharp contrast to about 60% of the rest of the KSA population who have attained secondary education.⁸⁰⁰ This finding implies that the KSA government has not been placing a greater focus on supporting disabled persons' rights to education. Consequently, they are at a significant disadvantage in terms of accessing education when compared to other populations in the country.

6.3.2 Comparative Analysis of the Treatment of Disabled Persons in Relation to Education

When compared to Bahrain, disabled persons in the KSA have a lower literacy level. According to the statistics by the Economic and Social Commission of Western Asia (ESCWA) League of Arab States, about 40% of disabled persons in Bahrain have secondary level education and beyond as against 13.2% in the KSA.⁸⁰¹ The study also indicated that only about 36% of the

⁷⁹⁶ United Nations' Department of Economic and Social Affairs (n 380).

⁷⁹⁷ Ibid.

⁷⁹⁸ Badea (n 326).

⁷⁹⁹ Ahmed Altamimi, 'Special Education in Saudi Arabia: A Synthesis of Literature Written in English' (2015) 30(3) *International Journal of Special Education* 98.

⁸⁰⁰ Organisation for Economic Co-operation and Development, 'Education at a Glance 2019' (Country Note: Saudi Arabia, Organisation for Economic Co-operation and Development 2019) <https://www.oecd.org/education/education-at-a-glance/EAG2019_CN_SAU.pdf>.

⁸⁰¹ Economic and Social Commission of Western Asia and League of Arab States, 'Disability in the Arab Region: An Overview' (Technical Paper E/ESCWA/SDD/2014, 2014) <https://www.unescwa.org/sites/www.unescwa.org/files/page_attachments/disability_in_the_arab_region_-_an_overview_-_en_1.pdf>.

disabled persons in the country are without any form of formal education.⁸⁰² According to UNESCO, Bahrain has been making efforts towards promoting inclusive education in which disabled persons are fully integrated into both public and private schools in the country.⁸⁰³ There is no evidence of similar steps being taken by the KSA government to support inclusive education for disabled persons in the country or to eliminate all forms of discrimination for this population group in terms of accessing education. Similarly, the educational access of disabled persons in Pakistan is better than in the KSA. According to a study, by 75% of disabled persons in Pakistan are reportedly enrolled in primary schools while 25% of them are completely without primary education.⁸⁰⁴

Disabled persons in the UK and Ireland have a better treatment in terms of educational access compared to those in the KSA. According to the Irish national statistics, 87.3% of disabled persons aged 15-50 in Ireland have primary level education compared to 96.8% of non-disabled persons.⁸⁰⁵ The data also show that 5.4% of disabled persons of ages between 15 and 50 were out of full-time primary schools before they reached the age 15 as against 1.9% of non-disabled persons. Moreover, 37% of disabled persons aged 15-50 were found to have tertiary education compared 53.4% of the general population. In the UK, in 2019 the proportion of disabled persons aged 21-64 who had educational qualifications up to degree level was 83.9% compared to 95.7% reported for non-disabled persons of the same age bracket.⁸⁰⁶ The data show that the disparity between disabled and non-disabled persons with no qualifications has reduced by 4.3% points between 2013 and 2019 due to more disabled persons enrolling in schools.⁸⁰⁷ Moreover, 21.8% of disabled persons, aged 21-64, were identified as holding at least a bachelor's degree, based on the data obtained in 2019.⁸⁰⁸ While this figure was much lower than 38% reported for non-disabled persons in the country, it was far better than the situation

⁸⁰² Ibid.

⁸⁰³ 'Bahrain: Inclusion', *United Nations Educational, Scientific and Cultural Organization* (Web Page, 12 July 2021) <<https://education-profiles.org/northern-africa-and-western-asia/bahrain/~inclusion>>.

⁸⁰⁴ Rabea Malik et al, 'Are Children with Disabilities in School and Learning? Evidence from a Household Survey in Rural Punjab, Pakistan' (2020) *Compare: A Journal of Comparative and International Education* 11.

⁸⁰⁵ 'Key Statistics', *Independent Living Movement Ireland* (Web Page) <<https://ilmi.ie/key-statistics/>>.

⁸⁰⁶ 'Disability and Education, UK: 2019', *Office for National Statistics* (Web Page, 2 December 2019) <<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandeducationuk/2019>>.

⁸⁰⁷ Ibid.

⁸⁰⁸ Ibid.

in the KSA.⁸⁰⁹ Also, 14.9% of the disabled students in the UK attended special schools in 2019 while the remaining 85.1% enrolled in mainstream schools.⁸¹⁰ These figures are significantly better than those identified from the KSA where nearly all disabled persons seeking education or training are compelled to attend special disability schools or institutions.

In Australia, 32% of disabled persons (aged 20 above) have completed the equivalent of secondary education (Year 12) or above, with 15% of them holding a bachelor's degree or higher.⁸¹¹ Also, about 86% of disabled persons in Australia were reported to have completed their education through mainstream schools unlike in the KSA where they are mostly expected to attend special schools.⁸¹² Based on the 2018 Census of Population and Dwellings (Census) and Households Labour Force Survey (HLFS) in New Zealand, disabled persons in the country are less likely to be educated than non-disabled persons.⁸¹³ Nonetheless, disabled persons in New Zealand have better access to education than those in the KSA. According to the Census and HLFS undertaken in 2018, 59.6% of disabled persons had a formal educational qualification as against 83.2% reported for non-disabled persons, a gap of 23.6 percentage points.⁸¹⁴ In addition, 10.2% of disabled persons had degree-level qualifications compared to 28.2% of non-disabled persons, a difference of 18.0 percentage points.⁸¹⁵

Based on the statistics from the other selected countries, it is apparent that the educational rights of disabled persons in these nations are better implemented than in the KSA. Far fewer individuals with a disability have access to educational opportunities in the KSA than in these countries. This implies that the KSA government still has more to do in terms of promoting and implementing the educational rights of disabled persons in the country. The KSA government, teachers, and parents all participate in the responsibilities to increase access to education for disabled person. The KSA government should be committed to ensuring that

⁸⁰⁹ Ibid.

⁸¹⁰ Department for Education (UK), '*Special Educational Needs in England: 2019*' (Report, 4 July 2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814244/SEN_2019_Text.docx.pdf>.

⁸¹¹ Australian Institute of Health and Welfare, '*People with Disability in Australia 2019: In Brief*' (Catalogue No DIS 74, Australian Institute of Health and Welfare, 2019) 16 ('People with Disability in Australia 2019').

⁸¹² Ibid; Aldabas (n 324) 1160.

⁸¹³ Stats NZ, '*Measuring Inequality for Disabled New Zealanders: 2018*' (Web Page, 28 October 2020) <<https://www.stats.govt.nz/reports/measuring-inequality-for-disabled-new-zealanders-2018>>.

⁸¹⁴ Ibid.

⁸¹⁵ Ibid.

all disabled persons including children and young people are included fully in their learning. That means making sure that those at risk of being marginalised in education are as fully engaged in their learning as they can be. Furthermore, the majority of parents in KSA make little or no attempt to augment their children's formal education.⁸¹⁶ This is a concern since parental involvement is known to be crucial in helping children succeed in special education programmes. The school system and its instructors have a responsibility to appropriately orient and assist parents of children with intellectual disabilities so that they can play an effective role in their children's education. Finally, as an alternative to special education, inclusive education would expand the responsibilities of teachers and educational systems to increase access, participation, and learning opportunities for disabled students from marginalised populations. Research shows that teachers have a major role in the realisation of inclusive education, including organising educational programs, designing and developing personalised educational practices, encouraging students to work hard, and making full use of available resources to ensure students' study is productive.⁸¹⁷ Article 24 of the CRPD mandates state parties to offer full rights to education in inclusive settings to all disabled students.⁸¹⁸ Accordingly, teachers must be competent in areas such as valuing diversity, supporting students and team work, and must have appropriate professional and personal training as required.⁸¹⁹ Teachers can successfully implement and support inclusive education programs if they are well prepared⁸²⁰ and develop supportive relationships with students who have special educational needs.⁸²¹

⁸¹⁶ Khalid Alshamri, 'Evaluation of Education Students with Intellectual Disability in Saudi Arabia' (2019) 8(1) *Canadian Center of Science and Education* 135.

⁸¹⁷ Eladio Sebastián-Heredero, 'Personal Teaching Competencies for Inclusive Education. A Reflection on What is Occurring in Spain' (2017) 30(59) *Special Education Magazine* 563, 563–74.

⁸¹⁸ Tsitsi Chataika et al, 'Access to education in Africa: Responding to the United Nations Convention on the Rights of Persons with Disabilities' (2012) 27(3) *Disability & Society* 385.

⁸¹⁹ European Agency for Development in Special Needs Education, '*Teacher Training for Inclusive Education in Europe—Challenges and Opportunities*' (Report, 2011).

⁸²⁰ DE Santo Sevilla, MJ Martin Pavón and C Jenaro Río, 'Teacher's Attitude Towards Inclusive Education and Towards Students with Special Educational Needs' (2018) 18(78) *Innovación educativa* 115, 115–41.

⁸²¹ M Granada Azcárraga, M Pomés and S Sanhuesa Henríquez, 'Actitud de los profesores hacia la inclusión educativa' ['Teachers' Attitude Towards Educational Inclusion'] (Papeles de Trabajo Centro de Estudios Interdisciplinarios en Etnolingüística y Antropología Socio-Cultural [Working Papers Center for Interdisciplinary Studies in Ethnolinguistics and Socio-Cultural Anthropology] No 25, June 2013) 51, 51–9.

6.4 The Treatment of Disabled Persons: Employment

According to the International Labour Office, employment plays a critical role in strengthening the economy of people and their families.⁸²² Consequently, disabled persons must be given the same employment opportunities as others. States Parties to the UN's CRPD are mandated to protect the employment rights of everyone including disabled persons.⁸²³ Nonetheless, disabled persons do not have equal opportunities to employment as the non-disabled populations around the world. Disabled persons in the KSA are facing similar problem with fewer job opportunities presented to them.

6.4.1 The KSA Treatment of Disabled Persons in Relation to Employment

The KSA government report presented to the UN suggested that the country has been taking actions to improve the employability of its disabled citizens.⁸²⁴ For example, the KSA government has reported to the UN that it has tasked its MHRSD and the employment offices to provide more training to disabled persons so that they can acquire necessary job-related training and support their search for employment.⁸²⁵ Also, the government claims that it considers employment as very crucial for the integration of disabled persons into society and their independent living.⁸²⁶ The KSA government also suggests in the report that it is providing financial support for disabled persons to enable them to secure employment or start their own businesses.⁸²⁷ Moreover, the country has a law that requires employers with more than 50 staff members to ensure that 2% of their employees are disabled persons.⁸²⁸

Despite the acclaimed actions being taken by the government, the employment statistics of the country indicate that disabled persons in the KSA are faring worse than their counterparts in several other countries in terms of being able to secure jobs. The data gathered by the ESCWA League of Arab States reported that the employment rate of 28.4% for disabled persons (aged

⁸²² International Labour Office, *Economic Security for a Better World* (International Labour Office, 2004).

⁸²³ CRPD (n 286) art 27,

⁸²⁴ The Committee on the Rights of Persons with Disabilities, *United Nation, Committee on the Rights of Persons with Disabilities examines the report of Saudi Arabia* (Report, CRPD/C/SAU/1, 21 March 2019).

⁸²⁵ Ibid.

⁸²⁶ Ibid.

⁸²⁷ Ibid.

⁸²⁸ Ibid.

15-64) in the KSA compared to 72.5% for non-disabled persons in a similar age range.⁸²⁹ The employment rates of 25.7% and 2.7% were estimated for males and females with a disability respectively.⁸³⁰ The employment opportunities provided to disabled persons in the KSA are significantly lower than in some selected countries, with disabled women being the most affected.

6.4.2 Comparative Analysis of the Treatment of Disabled Persons in Relation to Employment

Disabled persons in Bahrain have a far better access to employment opportunities than those in the KSA. The employment rates for disabled persons in Bahrain are at 78.3% for men and 26.7% for women with disabilities.⁸³¹ These figures are staggering by comparison with the KSA, and underline the great efforts of this country to drive the inclusion of its disabled citizens in terms of enjoying their employment rights. As part of efforts to improve employment opportunities, Bahrain enacted the Law on the Care, Rehabilitation and Employment of Persons with Disabilities (No. 74 of 2006).⁸³² The law makes it mandatory for business owners in the country to hire disabled persons nominated by the country's MHRSD after being rehabilitated.⁸³³ There is no such provision in the KSA. Also, the Pakistani government has enacted a law that makes it mandatory for employers to offer similar employment terms and conditions for disabled persons and ensure that they are never hired for lower wages compared to non-disabled persons.⁸³⁴ The employment law in the KSA has some provisions which give a 2% quota for disabled persons in large companies. However, this has not been effectively actualized by employers offering employment to disabled persons in the country on the same terms and conditions as non disabled employees. Additionally, the allocation is not adequate in meeting the employment needs of persons with disabilities.

⁸²⁹ Economic and Social Commission of Western Asia and League of Arab States (n 801).

⁸³⁰ Ibid.

⁸³¹ Ibid.

⁸³² 'Policies and Legislation Supporting the Employment of Persons with Disabilities in the ESCWA Region', *United Nations Economic and Social Commission of Western Asia* (Web Page, 2021) <<https://e-inclusion.unescwa.org/node/1443>>.

⁸³³ Ibid.

⁸³⁴ 'Employment of Persons with Disabilities', *Paycheck.pk* (Web Page) <<https://paycheck.pk/labour-laws/illness-work/employing-disabled-person>>.

Apart from Bahrain, more favourable employment rates than those of the KSA have been attributed to disabled persons living in Western countries such as Australia and the UK. In Australia, the labour force participation rate of disabled persons of working age was estimated at 53% in 2019, significantly lower than 83% reported for those without a disability.⁸³⁵ Labour force participation refers to the total of individuals employed and unemployed who are actively looking for jobs.⁸³⁶ Also, 48% of disabled persons in the country were categorised as gainfully employed compared to 79% of their non-disabled counterparts.⁸³⁷ The nation's unemployment rate for disabled persons was reported to be 10%, which doubled the rate of 5% ascribed to those without disabilities.⁸³⁸ In the UK, 4.1 million or 53.6% of 7.7 million disabled persons, aged 16-64, had a job in 2020 compared to 81.7% of those without disabilities. According to the same report, the unemployment rate for disabled persons in the country was determined to be 6.5% as against 3.5% documented for non-disabled persons.⁸³⁹ Moreover, 42.6% of disabled persons of working-age in the UK were not in employment as well as actively seeking jobs.⁸⁴⁰ These figures suggest that both Australia and the UK, like Bahrain, are also performing better than the KSA in the promotion of employment rights of their disabled populations.

Based on the statistics from the selected countries, it is apparent that the KSA society and government still have work to do in terms of promoting the employment rights of disabled persons in the country. While the country has a law that offers an opportunity for the employment of disabled persons, it appears the implementation of these regulations and associated policies may need to be re-examined and redesigned for better results that are closer to what is obtainable in nations like Bahrain, Australia, and the UK. Most importantly, actions must be taken to specifically enhance employment opportunities for women with a disability in the KSA as their employment rate of 2.7% is very low when compared to figures from several other countries. Without empowering women economically, they are restricted in options needed to fulfil their dreams and visions in life. Therefore, their rights to access employment opportunities must be improved upon so that they achieve financial independence

⁸³⁵ Australian Institute of Health and Welfare, 'People with Disability in Australia 2019' (n 811).

⁸³⁶ Australian Institute of Health and Welfare, 'People with Disability in Australia 2020' (n 763).

⁸³⁷ Ibid.

⁸³⁸ Ibid.

⁸³⁹ Andy Powell, 'Research Briefing: People with Disabilities in Employment' (Briefing Paper No 7540, House of Commons Library, 24 May 2021) <<https://commonslibrary.parliament.uk/research-briefings/cbp-7540/>>.

⁸⁴⁰ Ibid.

like several others. Improving public service capabilities requires governments to reconsider their strategies for major change programs. The best way to secure employment of persons marginalised from the labour market due to mental or physical disabilities is to undertake employment reforms based on a flexible approach which prioritises the rights of disabled persons. For example, among the many measures used by the Cooperation Council for the Arab States of the Gulf, Gulf Cooperation Council (GCC) governments in order to achieve their ambitious targets, the quota system has been found to be the most popular and widely used.⁸⁴¹ Quotas are commonly identified to be governmental interventions that are implemented as set percentages or numerical targets in order to ensure the fair and equitable representation of a certain minority group.⁸⁴² Worldwide, quotas have been implemented in order to improve access to opportunities for historically marginalised and under-represented groups such as the visibility of women and disabled persons in society.⁸⁴³ GCC administrations have unanimously used quota system requirements in various ways and forms to impose their nationalisation strategies, with the fundamental motive behind nationalisation policies being to increase the number of employed nationals, to lessen reliance on foreign labour.⁸⁴⁴ For instance, Saudi nationals constitute 44% of all the health workforce and 29.5% of all physicians employed by the health system.⁸⁴⁵ The Saudization policy includes numerical targets including increasing employment of Saudis by 300,000 and having at least 60% of doctors be Saudis by 2030 to reduce dependence on foreign labour in the health system.⁸⁴⁶ As a result, the quota system seemed to be an attractive tool that the governments of the GCC might use to meet their nationalisation ambitions in the short term. Critics, on the other hand, have pointed out the inefficiencies that result from such regulatory pressures.⁸⁴⁷ These inefficiencies, for instance, may lead to the employment of underqualified and inexperienced nationals in the workforce,

⁸⁴¹ Stephen Swailes, L.G. Al Said and Saleh Al Fahdi, 'Localisation Policy in Oman: A Psychological Contracting Interpretation' (2012) 25 (5) *The International Journal of Public Sector Management* 357.

⁸⁴² Heike Mensi-Klarbach, and Cathrine Seierstad, 'Gender Quotas on Corporate Boards: Similarities and Differences in Quota Scenarios' (2020) 17(3) *European Management Review* 615.

⁸⁴³ Larry L. Howard and Nishith Prakash, 'Do Employment Quotas Explain the Occupational Choices of Disadvantaged Minorities in India?' (2012) 26(4) *International Review of Applied Economics* 489–490.

⁸⁴⁴ Abdul Azeez Erumban and Abbas A Al-Mejren, 'Expatriate Jobs and Productivity: Evidence from GCC Economies' (2022) *Expatriate Jobs and Productivity: Evidence from GCC Economies* 2-4.

⁸⁴⁵ Fahad Albejaidi and Kesavan S. Nair, 'Building the Health Workforce: Saudi Arabia's Challenges in Achieving Vision 2030' (2019) 34(4) *The International Journal of Health Planning and Management* 1405–1407.

⁸⁴⁶ *Ibid.*

⁸⁴⁷ Said Elbanna et al, 'An Evidence-Based Review on Nationalization of Human Resources in the GCC Countries. [2021] *Administrative Sciences Association of Canada* 12.

in addition to several concerns over its limited long-term success.⁸⁴⁸ Overall, the treatment of the employment rights of disabled persons in the KSA requires improvement.

6.5 The Treatment of Disabled Persons: Standard of Living and Social Protection

States Parties to the CRPD are required under Article 28 to promote actions geared towards promoting the rights of their disabled citizens to a decent standard of living and social protection, not just for them but also for their families.⁸⁴⁹ Supporting actions that protect disabled persons socially and enhance their ability to earn a decent living like the rest of the populations cannot be overemphasised, considering that disabled persons are grossly disadvantaged in many areas. For example, they have more restricted access to basic needs of life such as food, clothing, and housing without any discrimination. Consequently, countries must recognise these problems and act accordingly to promote the rights of disabled persons in these areas.

6.5.1 Treatment of Disabled Persons in Relation to Standard of Living and Social Protection in the KSA

The KSA system appears to be built on the principle that disabled persons' rights to a decent standard of living and social protection can be achieved through charitable donations. The KSA government strategy has been to involve private and non-profit organisations in increasing charity donations towards improving disabled persons' standard of living.⁸⁵⁰ The KSA government has been treating disabled persons as individuals who require pity and should be helped with charity donations to live a decent life. However, this approach seems to be different from the one adopted by other countries. Western countries such as Australia, Canada, the UK, and the USA treat disabled persons more equally to the rest of their populations, thereby translating to improved standard of living and social protection for disabled persons. This can be seen in that these systems do not see disabled persons as people deserving pity, but rather as those having the capacity to achieve their dreams just like the non-disabled populations, under a favourable environment, and with the necessary support.

⁸⁴⁸ Ibid.

⁸⁴⁹ CRPD (n 286) art 28.

⁸⁵⁰ 'National Transformation Program' (n 293).

The KSA government has taken certain measures to improve the standard of living and social protection of disabled persons. One of such actions is the allocation of a monthly subsidy to disabled persons in the country through the MHRSD.⁸⁵¹ Moreover, paralysed children in the KSA are eligible to an annual allowance of up to Saudi Riyal SR10,000.⁸⁵² Financial aid of up to SR10,000 per year is also made available to families or caregivers of persons with severe disabilities while another SR6,000 is set aside annually for disabled persons that are not benefitting from vocational rehabilitation programmes.⁸⁵³ Also, the KSA government provides a subsidy of SR 50,000 for each disabled person to implement individual or collective rehabilitation projects within any of the rehabilitation centres, under the supervision of the Ministry.⁸⁵⁴ Disabled persons and their escorts are also eligible to receive 50% rebate on their air passenger tickets⁸⁵⁵; subsidies on their disability equipment⁸⁵⁶; parking permits for free parking at designated parking spots throughout the country;⁸⁵⁷ and priority access to public parks and gardens for disabled persons.⁸⁵⁸ Disabled persons in the KSA have been identified as having the lowest levels of education and employment. Consequently, it can be concluded that disabled persons in the country are more likely to have lower standards of living and social protection than others.⁸⁵⁹ Disabled women in the KSA are particularly at a greater risk of experiencing poverty than others.⁸⁶⁰

6.5.2 Comparative Analysis of the Treatment of Disabled Persons in Relation to Standard of Living and Social Protection

Unlike in the KSA, where disabled persons have been reported to experience a poor standard of living, it is a far better experience for those living in developed countries. For example, the

⁸⁵¹ Ministry of Human Resources and Social Development, 'Social Development' (n 264).

⁸⁵² Ibid.

⁸⁵³ Ministry of Human Resources and Social Development, 'Financial Subsidy Service for People with Disability' (n 306).

⁸⁵⁴ Ibid.

⁸⁵⁵ Ibid.

⁸⁵⁶ Ministry of Human Resources and Social Development, 'Medical Equipment Subsidy Service' (n 307).

⁸⁵⁷ Ministry of Human Resources and Social Development, 'Digital Certificates Service' (n 265).

⁸⁵⁸ Ibid.

⁸⁵⁹ Economic and Social Commission of Western Asia and League of Arab States (n 801).

⁸⁶⁰ Ibid.

AIHW indicates that 64% of disabled persons in Australia have their own homes.⁸⁶¹ The report shows that 22% of disabled persons in the country own their homes with a mortgage while 41% of them without a mortgage.⁸⁶² In addition, disabled persons in Australia are generally eligible to a wide variety of social support services that are offered by the government and NGO to ensure they have good quality of life.⁸⁶³ For example, they are eligible to receive housing assistance and income support in times of unemployment or accommodation need.⁸⁶⁴ Also, there are specialist disability services designed to help disabled persons to enjoy a high-quality of life.⁸⁶⁵ According to the AIHW, disabled persons in Australia have a higher standard of living and are better protected socially than their counterparts in the KSA.

Also, the living standard of disabled persons in the UK is better than that of those in the KSA. The employment rate of disabled persons in the UK is higher than in the KSA, as already discussed in section 6.4.2 of this chapter. Unlike in the KSA, more disabled persons in the UK are living in decent accommodation that is appropriate to their needs.⁸⁶⁶ About 67% of disabled persons in the UK are believed to be living in decent accommodation, in sharp contrast to what is obtainable in the KSA, where most of the disabled persons are confined to disability homes with poor living arrangements.⁸⁶⁷ Moreover, 42.4% of disabled persons were identified as home owners in the UK in 2019 while they are also eligible to social housing with the support of the British government.⁸⁶⁸ Disabled persons in the country are provided with a wide range of social and welfare support such as regular income assistance and specialist disability services, which are designed to help them achieve a high-quality of life.⁸⁶⁹ The availability of appropriate housing for disabled persons is crucial in their ability to live safe and independent. Unsuitable or inadequately adapted housing may be detrimental to disabled persons and their caregivers. It may cause mobility problems both inside and outside the house, as well as poorer mental

⁸⁶¹ Australian Institute of Health and Welfare, 'People with Disability in Australia 2020' (n 763).

⁸⁶² Ibid.

⁸⁶³ Ibid.

⁸⁶⁴ Ibid.

⁸⁶⁵ Ibid.

⁸⁶⁶ 'Outcomes for Disabled People in the UK: 2020', *Office for National Statistics* (Web Page, 18 February 2021)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2020>>.

⁸⁶⁷ Ibid.

⁸⁶⁸ Ibid.

⁸⁶⁹ Ibid.

health and a lack of employment opportunities. By providing appropriate housing, disabled persons may live more independently and safely, with more choice and control over their lives. Disabled persons are more likely to suffer discrimination and disadvantage in the property market if they cannot find affordable, suitable, and accessible options. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime. Furthermore, in order to enable disabled persons to live more securely and independently, the planning authorities of the government will need to consider their variety of needs that disabled persons have when making plans and taking decisions. Accessible and adaptable housing helps disabled persons to live more independently and saves future health and social expenses. Cost-wise and in terms of people's capability to remain safe and independent in their homes, it is preferable to build accessible housing from the outset, as instead of making adaptations at a later stage. Housing that is accessible and adaptable will provide approach routes that are safe and convenient for entering and exiting the house as well as the outside areas, appropriate circulation space, and adequate bathrooms and kitchens inside the home. Wheelchair user dwellings include additional features to meet the needs of occupants who use wheelchairs, or allow for adaptations to meet such needs.

6.6 The Treatment of Disabled Persons: Equal Justice and Security

Disabled persons have been severally identified as individuals who are prone to abuse and discrimination and constantly exposed to injustice and insecurity.⁸⁷⁰ Consequently, one of the important aspects of the UN's CRPD is the requirement of the States Parties to ensure that their disabled citizens access equal justice and are properly secured, just like the rest of their populations.⁸⁷¹ However, an understanding of how the KSA compares to other nations in this regard is essential. This knowledge will help the KSA government and society at large to develop more pragmatic actions towards promoting the rights of disabled persons in the KSA to achieve the same justice and security as others.

6.6.1 The KSA Treatment of Disabled Persons in Relation to Equal Justice and Security

The treatment of disabled persons in terms of accessing justice and security on an equal basis with others in the KSA is below the expectation of the UN's CRPD. There have been cases of

⁸⁷⁰ Economic and Social Commission of Western Asia and League of Arab States (n 801).

⁸⁷¹ CRPD (n 286) art 13.

disabled persons being denied access to equal justice and security in the KSA. An example can be seen in the trial of Munir al-Adam in 2011, which was rife with violations of due process.⁸⁷² According to the report about this case, this accused disabled person was barred from accessing a lawyer and subjected to abuse by prison authorities in a bid to forcefully obtain a confession from him.⁸⁷³ Due to the torture, Al-Adam sustained severe hearing damage that was not treated for four and a half months until he was eventually admitted into hospital.⁸⁷⁴ The disabled person was not provided with the surgery required to correct his hearing problem, which resulted in one of his ears becoming completely deaf. Al-Adam was subjected to unfair judiciary trial and was made to suffer negligence at the hand of prison authorities because of his disability condition.⁸⁷⁵ This case attracted the attention of the United Nations, with the KSA government criticised during the 20th Session of the CRPD for the country's failure to fulfil its treaty obligations under Articles 4, 13(1), 15, 16, and 25 of the Convention.⁸⁷⁶ The UN urged the KSA government to provide Al-Adam with effective remedies, including an investigation into his claims of torture.⁸⁷⁷ Despite the call for justice, Al-Adam was not given proper medical attention to correct his hearing problem, and his case was not overturned.⁸⁷⁸

Research has found that disabled persons are still facing marginalisation and social injustice in the Saudi society due to negative perceptions people have about this population group.⁸⁷⁹ According to Madi, disabled persons are not generally regarded as equal to others in the KSA due to reasons that include lack of understanding about them and shame that is often associated with these people in such conditions and their families.⁸⁸⁰ Consequently, it has been difficult

⁸⁷² 'ADHRB Calls on Bahrain and Saudi Arabia to End Abuse of Disabled Persons on International Day of Persons with Disabilities', *Americans for Democracy & Human Rights in Bahrain* (Web Page, December 2018) <<https://www.adhrb.org/2018/12/adhrb-calls-on-bahrain-and-saudi-arabia-to-end-abuse-of-disabled-persons-on-international-day-of-persons-with-disabilities/>>.

⁸⁷³ Ibid.

⁸⁷⁴ Ibid.

⁸⁷⁵ Ibid.

⁸⁷⁶ Ibid.

⁸⁷⁷ Ibid.

⁸⁷⁸ Ibid.

⁸⁷⁹ Madi, Mandy and Aranda (n 609) 6; Ali Al-Odaib and Sultan Al-Sedairy, 'An Overview of the Prince Salman Center for Disability Research Scientific Outcomes' (2014) 35(1) *Saudi Medical Journal* S75.

⁸⁸⁰ Madi, Mandy and Aranda (n 609) 6.

for disabled persons in the KSA to achieve equal rights in terms of justice and security as others.⁸⁸¹

6.6.2 Comparative Analysis of the Treatment of Disabled Persons in Relation to Equal Justice and Security

The situation in the KSA is different from what has been reported about disabled persons in countries such as Bahrain, Australia, and the UK. In Bahrain, the government has formulated a policy specifically designed to promote and protect the human rights of disabled persons.⁸⁸² One of the core requirements in this strategy is that Bahrain society, including government parastatals, NGOs, and private organisations, must take actions to ensure the security of disabled persons and their access to equal justice.⁸⁸³ Such policy documents that specifically promote the security and equal justice for disabled persons in the KSA are not in the public domain, as in Bahrain.

In addition to Bahrain, the UK has enacted ‘*The Equality Act 2010*’, a regulation that provides a strong statement advocating for the rights of disabled persons across the country to access social justice and achieve security in every aspect of their lives.⁸⁸⁴ The Act was designed to promote protection for disabled persons against social discrimination and harassment.⁸⁸⁵ The Act also requires public organisations to ensure their policies are developed with significant considerations for the protection of the disabled against emotional and physical abuse, and promote their rights to get fair treatment within their communities.⁸⁸⁶

To confront discrimination against disabled persons as well as promote social justice and enhance their security in society, the Australian government put in place the *DDA*.⁸⁸⁷ This Act

⁸⁸¹ Ibid.

⁸⁸² ‘People with Disabilities’, *Bahrain.bh* (Web Page) <https://www.bahrain.bh/new/en/govsocialsupport-disabilities_en.html>.

⁸⁸³ Ibid.

⁸⁸⁴ Department for Work & Pensions, and Office for Disability Issues, *2019 Progress Report on the UK’s Vision to Build a Society Which Is Fully Inclusive of Disabled People* (Policy Paper, 14 October 2019) <<https://www.gov.uk/government/publications/disabled-peoples-rights-the-uks-2019-report-on-select-recommendations-of-the-un-periodic-review/2019-progress-report-on-the-uks-vision-to-build-a-society-which-is-fully-inclusive-of-disabled-people>>.

⁸⁸⁵ Ibid.

⁸⁸⁶ Ibid.

⁸⁸⁷ *Disability Discrimination Act* (n 419); Glenn Patmore, ‘The Disability Discrimination Act (Australia): Time for Change’ (2002) 24 *Comparative Labor Law & Policy Journal* 533.

was developed due to the importance that Australian society attaches to the promotion of equal rights for disabled persons in terms of accessing social justice and security. The Canadian *Human Rights Act* is another legislation developed to guarantee the rights of disabled persons so that they enjoy social justice and achieve a secure life.⁸⁸⁸ This Act protects disabled persons against targeted domestic violence, hate crime, violent crime, and vulnerability to all sorts of crimes due to their status.⁸⁸⁹ There is no visible legislation in the KSA that guarantees the personal safety and the rights of disabled persons in the country to access social justice, as seen in Bahrain, Australia and the UK. This suggests the rights of disabled persons to access equal justice and safety in the KSA is not receiving the same attention as in these countries.

6.7 Summary of Chapter 6

To promote their acceptance and rights within their communities, disabled persons must be treated equally, the same as others. One of the overarching goals of the CRPD is to drive a society where the rights of disabled persons are not trampled upon or neglected. It can be generally acknowledged that disabled persons around the world are often struggling to fulfil their potential due to the unfair treatment being meted out to them in society. However, this problem appears to be more chronic in the KSA than in many other nations. Consequently, this chapter compared the treatment of disabled persons' rights in the KSA to other selected nations. It focused on the treatment of disabled persons' rights to healthcare, education, employment, living standard and social protection, equal justice and security. It can be concluded from the information in this chapter that the KSA are still treating the rights of their disabled population with levity, which has continued to constitute barriers for them towards realising their potential in life. This chapter established that countries like Bahrain, Australia, and the UK are performing far better than the KSA in the manner they are treating the rights of their disabled populations.

⁸⁸⁸ *Canadian Human Rights Act* RSC 1985 c H-6; Canadian Human Rights Commission, 'Report on Equality Rights of People with Disabilities' (Catalogue No HR4-20/2012E-PDF, Canadian Human Rights Commission, 2012) 96.

⁸⁸⁹ *Ibid.*

CHAPTER 7 – RECOMMENDATIONS FOR IMPROVING DISABLED PERSONS’ RIGHTS AND TREATMENT IN THE KSA

This chapter makes recommendations to enhance disabled persons’ rights to healthcare (Section 7.1), education (Section 7.2), employment (Section 7.3), living standards and social protection (Section 7.4), and equal justice and security (Section 7.5). These are the major aspects of human right that are relevant to this study and recognised in the CRPD and they are linking to the same aspects analysed in chapter 6. These recommendations are predicated on the basis that disability should be approached from a human rights–based perspective. Employing a human rights–based perspective to assess rights violations of disabled persons is important to promote their dignity and general acceptance as human beings. This perspective will also help disabled persons to better access basic life needs and enjoy the legal and other privileges afforded to community members without restriction or discrimination due to their impairment.

7.1 Improving the Right to Health of Disabled Persons:

7.1.1 Telemedicine accessibility for disabled persons in the healthcare system.

Telemedicine technology has demonstrated that it may significantly contribute to the improvement of the healthcare system.⁸⁹⁰ Telemedicine is the use of information technology and electronic communication to provide services such as patient diagnosis, examination, and medical assessment to patients.⁸⁹¹ This can be achieved using a video connection, depending on the telecommunication tool used and user preferences.⁸⁹² Its primary objective is to facilitate communication between patients and physicians.⁸⁹³ Triage direct care, follow-up,

⁸⁹⁰ Pamela B. DeGuzman et al, ‘Extending Healthcare Access via Telemedicine in Public Libraries: A Mixed Methods Study.’ [2022] (summer) *medRxiv*2,4.

⁸⁹¹ Ibid.

⁸⁹² Nicole Lurie and Brendan G Carr, ‘The Role of Telehealth in the Medical Response to Disasters’ (2018) 178(6) *JAMA Internal Medicine* 745, 745–6.

⁸⁹³ Ibrahim Al Baalharith et al, ‘Telehealth and Transformation of Nursing Care in Saudi Arabia: A Systematic Review’ (2022) 2022 *International Journal of Telemedicine and Applications* 1, 2.

and consultation are the four primary uses of telemedicine.⁸⁹⁴ The WHO has found it appropriate to use the term telemedicine to describe all aspects of health care including preventive care.⁸⁹⁵ The American Telemedicine Association considers the terms telemedicine and telehealth as interchangeable. However, telehealth is sometimes used more broadly to refer to remote health other than the involvement of active clinical treatments.⁸⁹⁶ The healthcare system in KSA faces a multitude of obstacles, such as a shortage of Saudi health professionals, changing disease patterns, an increase in demand as a result of free services, a lack of an overarching policy for dealing with national crises, and inadequate access to certain types of health care facilities.⁸⁹⁷ However, telemedicine in the KSA has emerged as an essential component of the healthcare service provision during the Coronavirus pandemic (COVID-19).⁸⁹⁸ Many telemedicine applications were successfully used in order to assist in the control and prevention of the spread of COVID-19.⁸⁹⁹ During the pandemic, telemedicine has been utilised to monitor and provide medical care to patients in the comfort of their own homes, therefore reducing the risk of further infection.⁹⁰⁰ In addition, it has been shown that telemedicine visits significantly reduce the probability of COVID-19 transmission while providing comparable health outcomes to patients' real-time visits to outpatient clinics.⁹⁰¹ Telemedicine regulations were issued in June 2019 in the KSA, providing a comprehensive framework for all healthcare professionals, which is monitored by the Saudi Telemedicine Unit of Excellence (STUE) of the National Health Information Centre.⁹⁰² The release of these regulations lays the foundation for the rapid implementation of video consultations throughout

⁸⁹⁴ Paul Webster, *Virtual health care in the era of COVID-19*. (Report, April, 2020) 1180–1181.

⁸⁹⁵ Telemedicine, W. H. O. 'Opportunities and Development in Member States. Report on the Second Global Survey on E-Health Global Observatory for E-Health Series, Vol. 2. 2010,' (Web Article, 2021) <>.

⁸⁹⁶ American Telemedicine Association, Washington .D.C 'What is Telemedicine?,' (Web page, 21st August 2011) <>.

⁸⁹⁷ Almalki (n 742).

⁸⁹⁸ Ali Al Hazmi et al, 'Perspectives on Telemedicine during the Era of COVID-19; What Can Saudi Arabia Do?' [2021] (Autumn) 4.

⁸⁹⁹ Ibid.

⁹⁰⁰ Ibid.

⁹⁰¹ Anas Khan et al, 'The role of digital technology in responding to COVID-19 pandemic: Saudi Arabia's experience' [2021] (summer) *Risk Management and Healthcare Policy*, 3923–3934.

⁹⁰² Ministry of Health, 'Telemedicine' , we care about you (Web Page, 17 August 2022) <<https://www.moh.gov.sa/en/Ministry/Information-and-services/Pages/Telemedicine.aspx>>.

the kingdom, particularly during the COVID-19 epidemic; therefore, the usage of telemedicine increased.^{903,904}

A recent study in Riyadh measured the satisfaction of diabetics visiting endocrinologist clinics at a tertiary hospital using a tele-retinal screening program.⁹⁰⁵ Patients were quite satisfied with the tele-retinal screening service, according to the research.⁹⁰⁶ However, it was difficult to see an ophthalmologist when a referral was needed, which was a cause of dissatisfaction.⁹⁰⁷

Before implementing telemedicine on a wide scale in KSA, there are several challenges that need to be considered in regards to disabled persons such as accessibility, accuracy, security, cost-effectiveness, and finally ethical considerations.⁹⁰⁸ Due to the limited number of studies conducted on the contribution of telemedicine for disabled persons in KSA, it was difficult to obtain clear-cut answers to these challenges. However, studies from other developed countries may help us speculate on solutions that could facilitate the country's wider adoption of telemedicine for disabled people. In the context of designing telemedicine apps for the care of people with intellectual disabilities, Salgado et al, investigated what alternatives a drug management application for young people with intellectual disability should offer.⁹⁰⁹ The medication management app feature survey was carried out in February 2016 by searching iTunes and the App Store using the terms adherence, medications, medication management, medication list, and medication reminder.⁹¹⁰ After identifying the functions in the downloaded apps, a final list of 42 functions, organized into four modules (medication list, medication reminder, medication administration record, and additional functions), was developed and included in the questionnaire provided for expert evaluation.⁹¹¹ In total, 52 experts on

⁹⁰³ Abdel Nasser et al, 'Measuring the Patients' Satisfaction About Telemedicine Used in Saudi Arabia During COVID-19 Pandemic' (2021) 13(2) *Cureus* 13382.

⁹⁰⁴ Ibid.

⁹⁰⁵ Atheer Alhumud et al, 'Patient satisfaction toward a tele-retinal screening program in endocrinology clinics at a tertiary hospital in Riyadh, Saudi Arabia' (2020) 12 *Cureus* 7986.

⁹⁰⁶ Ibid.

⁹⁰⁷ Ibid.

⁹⁰⁸ Al Hazmi (n 898).

⁹⁰⁹ Teresa M Salgado et al, 'Identifying Medication Management Smartphone App Features Suitable for Young Adults With Developmental Disabilities: Delphi Consensus Study' [2018] *JMIR mHealth uHealth* 129.

⁹¹⁰ Ibid.

⁹¹¹ Ibid.

developmental disabilities, including people with developmental disabilities, caregivers, and professionals, were invited to review the questionnaire.⁹¹²

The objective was to create an agreement on the desirable and acceptable characteristics for enhancing independence in the medication management process for people with developmental disabilities. Of the 42 different characteristics evaluated, 64% (27 out of 42) reached a consensus to include them in a future application designed exclusively for people with an intellectual disability.⁹¹³ However, very little study has been conducted on the usage, operation, advantages, and disadvantages of these applications by people with intellectual disabilities, either in an educational or social context.

In 2020, Jeste et al, collected responses from 669 people in the United States and 149 people elsewhere around the world.⁹¹⁴ Participants were either parents or caregivers of children who had an intellectual disability.⁹¹⁵ Unfortunately, 36% of respondents did not have access to a doctor throughout the epidemic, and 74% of parents reported that their kids lost access to at least one therapy or educational service.⁹¹⁶ Only 56% of respondents reported their children had received some type of service continuation via electronic communication devices.⁹¹⁷ On the other hand, the sample size of this study could not verified, the outcome must be considered unreliable.

Healthcare and educational opportunities for people with intellectual disabilities and others were obviously impacted by the pandemic crisis. However, if implemented appropriately, a remote healthcare service may be valuable not just because of the ongoing restrictions, but even after the epidemic has ended. A review of the literature on telemedicine solutions in the care of people with intellectual disabilities reveals that the use of information technology and electronic communication tools such as applications and video connections facilitates and supports the communication of these people with the doctor, enables simple behavioural interventions, encourages treatment cooperation, provides simple medical education, and

⁹¹² Ibid.

⁹¹³ Ibid.

⁹¹⁴ S. Jeste et al, 'Changes in access to educational and healthcare services for individuals with intellectual and developmental disabilities during COVID-19 restrictions' [202] *Journal of Intellectual Disability Research* 825, 833.

⁹¹⁵ Ibid.

⁹¹⁶ *ibid*

⁹¹⁷ Jeste (n 914).

promotes the health of this population.⁹¹⁸ There is a significant opportunity to improve population health and accomplish basic human rights via the research and practise of the use of assistive products by people with intellectual disabilities with different health conditions.⁹¹⁹ However, this is a mostly neglected field.

There are risks associated with the use of telemedicine technology among people with intellectual disabilities, which may be greater in this group than in the general population. People with intellectual disabilities are more likely to believe misinformation found online. Frequently, the health information on websites is not standardised and may be dialectic or misleading. Furthermore, this group is more susceptible to victimisation on social media and is more likely to be victims of cyberbullying because of their communication difficulties and social isolation.⁹²⁰ A second issue is that certain applications use sensitive data for commercial purposes. Some apps' privacy policies may be hard for people with intellectual disabilities to understand, leaving them open to abuse.⁹²¹

Nowadays, a significant issue in KSA is that citizens, including patients and disabled persons, still travel domestically to obtain medical treatment, since only a limited number of hospitals provide specialised medical services, and all of these are located in major cities such as Riyadh, Jeddah and Dammam. In the event that the regions cannot managed the caseload, the specialised hospitals in Riyadh such as King Fahad Medical City, King Saud Medical City, King Abdulazizi Medical City, Prince Sultan Bin Abdulaziz Military Medical City, etc., manage each case by transferring the patients among hospitals.⁹²² Telemedicine has been shown to be one of the best solutions in the pandemic for countries with a good Internet infrastructure like KSA, and COVID-19 is a definite test for the healthcare system.⁹²³

Little attention has been placed on improving healthcare access for disabled persons in KSA, despite the fact that they are a particularly vulnerable population during the epidemic.

⁹¹⁸ Krzysztof Krysta et al, 'Telemedicine Treatment and Care for Patients with Intellectual Disability' [2021] *International Journal of Environmental Research and Public Health*.

⁹¹⁹ Ibid.

⁹²⁰ E. Lough M. H. Fisher, 'Internet use and online safety in adults with Williams syndrome' [2016] *Journal of Intellectual Disability Research* 1020, 1030.

⁹²¹ Fisher (n 920).

⁹²² Abeer Sharahili et al, 'Knowledge, attitude, and practice of travel medicine among primary health care physicians in the Cluster-1, Riyadh City, Saudi Arabia: A cross-sectional study' [2021] *Journal of Family Medicine and Primary Care* 2587.

⁹²³ Joshua P Kronenfeld and Frank J Penedo, 'Novel Coronavirus (COVID-19): telemedicine and remote care delivery in a time of medical crisis, implementation, and challenges' (2021) 11(2) *Translational behavioral medicine* 659.

Healthcare outcomes can be influenced by a number of factors, including access to care and the ability to express concerns during treatment. Rather than serving as a complement to in-person visits, telemedicine served as the only method of communication for most patients and doctors during COVID-19, and so this growth is projected to continue after the event has passed. Chapters 6 and 7 conclude that the treatment of disabled persons' health in the KSA still requires significant improvement to align with the goals of the UN's CRPD despite some actions by the KSA government to address this problem. The majority of global studies on the use of telemedicine interventions for disabled people have been effective and have contributed to increasing access to necessary care in areas where there is a shortage, such as behavioural health, improving the patient experience, and improving health outcomes.⁹²⁴

Therefore, *this thesis recommends that prior to investing on a large scale in telemedicine in KSA, telemedicine accessibility should be addressed.* In order to enable telemedicine access and outcomes for disabled persons in KSA, significant and long-term enhancements are required in technological, regulatory, and legislative infrastructure, as well as enabling custom solutions for the disabled persons in the health system under the supervision of STUE to regulate and monitor. Mainstreaming and enabling telemedicine into existing healthcare systems will minimise health care inequities and barriers to access for this segment of our society.⁹²⁵ Where telemedicine has been effectively adopted, the ability to connect patients with healthcare professionals regardless of their location has also provided a significant amount of flexibility and numerous other advantages.⁹²⁶ With this additional flexibility, telemedicine has been demonstrated to minimise job absences, travel costs, and no-show rates in general.⁹²⁷ In fact, Nielsen has recommended telemedicine as a strategy for continuity and sustainability of treatment to account for the post-COVID-19 reduction in service utilisation, particularly for patients with chronic diseases.⁹²⁸

Today, the regulatory framework and infrastructure for telemedicine have made it a natural step forwards in the healthcare industry, reducing costs for both patients and healthcare providers while boosting convenience. However, people with communication disabilities, such

⁹²⁴ Krysta (n 918).

⁹²⁵ Smith et al, 'Implementation Guide for Rapid Integration of an Outpatient Telemedicine Program During the COVID-19 Pandemic' [2020] *J. Am. Coll. Surg* 216, 222.

⁹²⁶ *Ibid.*

⁹²⁷ *Ibid.*

⁹²⁸ Victoria Nielsen et al, 'The COVID-19 Pandemic and Access to Selected Ambulatory Care Services among Populations with Severely Uncontrolled Diabetes and Hypertension in Massachusetts' [2022] *Public Health Rep* 344, 351.

as those with neurological or speech illnesses, may need unique solutions for telemedicine to be effective. Virtual interfaces should also be customised to accommodate the requirements of disabled persons with mental illness or autism spectrum illness. These unique challenges need custom solutions so that persons with disabilities are not left behind during this era of telemedicine.

7.1.2 The Effectiveness of Telerehabilitation for Disabled Persons in KSA healthcare system.

Since the COVID-19 epidemic, there has been an increase in the use of telerehabilitation; however, there is limited guidance available on how to undertake physical assessments using remote methods.⁹²⁹ Telerehabilitation is ‘the set of instruments and protocols that are aimed at providing medical rehabilitation at a distance especially during pandemics and times of crisis’.⁹³⁰ There has been a rapid increase in the use of technology-based medical rehabilitation applications, making them crucial components of medical rehabilitation care. The continuation of rehabilitation care following the completion of a hospital-based rehabilitation programme remains challenging.⁹³¹ This is of critical importance in KSA, where a shortage of community-based rehabilitation services requires the use of telemedicine services.⁹³² As indicated in 7.1.1, telemedicine is still in its infancy in KSA. However, telerehabilitation may be implemented effectively in KSA because of the country's rapidly developing digital technologies and dependable infrastructure which is one of the Vision 2030 goals by the Saudi Company for Artificial Intelligence (SCAI).⁹³³ A major challenge is that the KSA currently has few hospitals that offer telerehabilitation services on small scale, all of which are located in major cities such as Riyadh and Jeddah..⁹³⁴ Telerehabilitation is also very limited and there are no standard

⁹²⁹ Ahmad Qureshi et al, ‘Telerehabilitation Guidelines in Saudi Arabia’ (2021) 27(10) *Telemedicine and E-Health* 1087, 1087–98.

⁹³⁰ Marco Rogante et al, ‘Ten Years of Telerehabilitation: A Literature Overview of Technologies and Clinical Applications’ (2010) 27(4) *NeuroRehabilitation* 287, 287–304.

⁹³¹ Niloufar Rabanifar and Kianoush Abdi, ‘Barriers and challenges of implementing telerehabilitation: A systematic review’ (2021) 19(2) *Iranian Rehabilitation Journal* 121, 128.

⁹³² Asma Alrushud et al, ‘Physical therapists' perceptions of and satisfaction with delivering telerehabilitation sessions to patients with knee osteoarthritis during the Covid-19 pandemic: Preliminary study’ [2022] *Musculoskeletal Care* 1, 3.

⁹³³ Meng Shu and Haijie Yu, “‘Her’ Digital Economy in The Arab World and Its Cooperation with China.” [2022] *Asian Journal of Middle Eastern and Islamic Studies* 1-13.

⁹³⁴ Sami Ullah et al, ‘Knowledge and Attitudes of Rehabilitation Professional Toward Telerehabilitation in Saudi Arabia: A Cross-Sectional Survey’ (2021) 27(5) *Telemedicine and e-Health* 587, 587–91.

procedures or protocols for the technology in the KSA. As a response to COVID-19 restrictions, the Saudi Physical Therapy Association partnered with a private physiotherapy practice in Riyadh, capital city of the KSA, to provide telerehabilitation services aimed at reducing mobility challenges of disabled persons diagnosed with musculoskeletal diseases.⁹³⁵ There is a considerable quantity of research has examined the use of telerehabilitation services in various aspects of physiotherapy. A study, comprising 95 participants, found that telerehabilitation is a useful and effective approach for providing physiotherapy treatment for patients with musculoskeletal diseases in the KSA.⁹³⁶ The study identified the need to address the specific needs of disabled persons and established that a major role of developing telerehabilitation guidelines is to assist medical rehabilitation practitioners in providing services such as assessment, diagnosis, consultation and management remotely.

Recent study conducted in New York reported that telerehabilitation improves early intervention for children identified with cerebral palsy.⁹³⁷ Further, medical rehabilitation interventions offered at home (simulated environments for children) are more effective for training children's motor skills than them undertaking intensive medical rehabilitation services at a day centre.⁹³⁸ In a survey conducted in the UK on medical rehabilitation practitioners in health and social care, it was reported that the use of telerehabilitation services among persons with physical disabilities and motor impairment increased during the COVID-19 pandemic.⁹³⁹ There was positive feedback from practitioners, who recognised several advantages for patients, including reduced risk of infection, increased flexibility and minimised travel

⁹³⁵ Ahmad Zaheer Qureshi et al, 'Telerehabilitation Guidelines in Saudi Arabia' (2021) 27(10) *Telemedicine and E-Health* 1087, 1087–98.

⁹³⁶ Ibid.

⁹³⁷ Bhavini K Surana et al, 'Effectiveness of Lower-Extremity Functional Training (LIFT) in Young Children with Unilateral Spastic Cerebral Palsy: A Randomized Controlled Trial' (2019) 33(10) *Neurorehabilitation and Neural Repair* 862, 862–72.

⁹³⁸ Anna Molinaro et al, 'Action Observation Treatment in a Tele-Rehabilitation Setting: A Pilot Study in Children with Cerebral Palsy' (2020) *Disability and Rehabilitation* 1, 1–6 <<https://doi.org/10.1080/09638288.2020.1793009>>.

⁹³⁹ Sarah A Buckingham et al, 'Telerehabilitation for People with Physical Disabilities and Movement Impairment: A Survey of United Kingdom Practitioners' (2022) 3(1) *JMIRx Med* e30516.

burden.⁹⁴⁰ Use of video-based consultations had an added advantage of facilitating face-to-face care.⁹⁴¹

Considering the restricted range of rehabilitation services, the majority of research studies conducted in KSA concluded that telerehabilitation was indeed a applicable option in providing physical therapy services to patients, including disabled persons.⁹⁴² Use could have significant advantages, including increased access to services, enhanced access to specialist physicians or experts, and the reduction of unnecessary delays in receiving therapy.⁹⁴³ Telerehabilitation provided a safe, accessible style of rehabilitation during the COVID-19 pandemic, reducing the need for patients and employees to travel to public hospitals.⁹⁴⁴ Therapists were enabled to continue working while patient satisfaction increased because of the rapid acceptance of telerehabilitation.⁹⁴⁵ However, there are several challenges and barriers that need to be considered before implementing telerehabilitation in KSA on a wide scale as follows: infrastructure and access; operational conflicts and systems; logistical; regulatory; communication and unique challenge.⁹⁴⁶ Regarding human factors, a lack of general acceptance of telehealth, a lack of knowledge and skills, and concerns about the security of private data are all significant barriers and challenges for telerehabilitation.⁹⁴⁷ Regarding the various organisational factors mentioned in the literature as the primary identified barriers to the implementation of telerehabilitation, the most common characteristics were the apparent lack of an appropriate health information systems framework, the lack of national e-health policies or laws, data privacy measures, and governance measures.⁹⁴⁸ Among all the individual criteria across all categories, lack of internet access was the most significant barrier to

⁹⁴⁰ Michelle A Cottrell et al, 'Patients are Willing to Use Telehealth for the Multidisciplinary Management of Chronic Musculoskeletal Conditions: A Cross-Sectional Survey' (2018) 24(7) *Journal of Telemedicine and Telecare* 445, 445–52.

⁹⁴¹ Ashwin Ramaswamy et al, 'Patient Satisfaction with Telemedicine During the COVID-19 Pandemic: Retrospective Cohort Study' (2020) 22(9) *Journal of Medical Internet Research* e20786.

⁹⁴² Qureshi (n 929).

⁹⁴³ Hana Alsobayel et al, 'Does Telerehabilitation Help in Reducing Disability among People with Musculoskeletal Conditions? A Preliminary Study' [2021] *International Journal of Environmental Research and Public Health* 1, 11.

⁹⁴⁴ Ibid.

⁹⁴⁵ Ibid.

⁹⁴⁶ Annaswamy TM, erduzco-Gutierrez M and Frieden L, 'Telemedicine barriers and challenges for persons with disabilities: Covid-19 and beyond. (2020) 13(4) *Disability and Health Journal* 12, 16.

⁹⁴⁷ Niloufar Rabanifar and Kianoush Abdi, 'Barriers and Challenges of Implementing Telerehabilitation: A Systematic Review' (2021) 19(2) *Iranian Rehabilitation Journal* 121, 128.

⁹⁴⁸ Leochoico CFD et al, 'Challenges to the emergence of telerehabilitation in a developing country: A systematic review. [2020] *Frontiers in Neurology* 1, 5.

telerehabilitation.⁹⁴⁹ Challenges that are unique to the KSA populace were also identified.⁹⁵⁰ The inability for physical therapists to conduct hands-on assessment or treatment.⁹⁵¹ In addition, conservative norms, cultural diversity, and the wide variety of regional dialects have been reported as obstacles.⁹⁵²

Despite the growing use of telerehabilitation, there is a lack of guidance, information, and training on how to conduct remote consultations safely and successfully for disabled persons.⁹⁵³ Whereas most studies and guidance documents provided generic advice and information on components of telehealth, such as communication in video-based consultations, despite being important, there was little or no guidance on movement-related assessments.⁹⁵⁴ Professional organisations expressed concerns about inequality and inefficiency in telerehabilitation and recognised the need for clear and standardised guidance.⁹⁵⁵ As a result, there were substantial variances in the approaches taken.⁹⁵⁶

The KSA has made significant strides in the use of advanced technologies in the health sector as is evident from the fact that its health officials established and designed an action plan to use digital technology including smartphone applications, tablets, and machine learning to stop COVID-19 from spreading. This can be attributed to government support and leveraging user preferences and advanced technology. However, there are currently no defined standards or guidelines for telerehabilitation in KSA.⁹⁵⁷ Furthermore, there is limited research on the MOH's efforts to facilitate telerehabilitation services for disabled persons in the KSA.⁹⁵⁸ Therefore, ***this thesis recommends that specialty-specific telehealth practise guides be developed by experts for use by medical rehabilitation practitioners.*** Such guides are essential for the MOH to effectively roll out the provision of tele-evaluation, tele-intervention, telerehabilitation, teleconsultation and telemonitoring services. Legal and international ethical standards should also be considered. In order to make telerehabilitation more effective in terms

⁹⁴⁹ Ibid.

⁹⁵⁰ Ibid.

⁹⁵¹ Alsobayel (n 943).

⁹⁵² Alsobayel (n 943).

⁹⁵³ Qureshi (n 929).

⁹⁵⁴ Ibid.

⁹⁵⁵ Gutenbrunner C et al, 'Why rehabilitation must have priority during and after the COVID-19-pandemic: a position statement of the global rehabilitation alliance' (2020) 52(7) *J Rehabil Med* 11, 18.

⁹⁵⁶ Ibid.

⁹⁵⁷ Qureshi (n 929).

⁹⁵⁸ Ibid

of both its management and its performance, its implementation needs to be subjected to a rigorous downstream assessment. This thesis remains convinced that there is an urgent need to adopt guidelines and measures that encourage the usage of telerehabilitation services in KSA. Immunocompromised patients who avoid healthcare facilities for concerns of infection and immobile patients who are unable to attend hospital or any medical services would benefit the most from these innovations. Telerehabilitation may assist in ensuring the long-term effectiveness of therapy for patients who cannot or do not choose to enrol in rehabilitation programmes in person because of their disability. However, the majority of physical therapists considered telerehabilitation to be less effective than face-to-face sessions, and most were dissatisfied with the lack of physical contact.⁹⁵⁹

7.1.3 The Role of Caregivers in Oral Health for Disabled Persons

Caregivers play a major role in decision making on matters of the oral health of their children, and especially when the children are suffering from disabilities.⁹⁶⁰ This makes it necessary to evaluate the knowledge, attitude, and conduct of the caregivers, which are essential components that can either facilitate or hinder children from accessing quality oral health.⁹⁶¹ Most of the common dental health conditions are preventable.⁹⁶² The major focus in promoting the oral health of the children with disabilities should be the support of caregivers with relevant information about dental health. They should be aware of the causes of dental-related diseases before the problem arises and educate the affected people about prevention, thereby decreasing the long-term treatment needs for the disabled children.⁹⁶³ Several studies have reported that

⁹⁵⁹ Asma Alrushud et al, 'Physical therapists' perceptions of and satisfaction with delivering telerehabilitation sessions to patients with knee osteoarthritis during the Covid-19 pandemic: Preliminary study' [2022] *Musculoskeletal Care* 1, 9.

⁹⁶⁰ Najat Abdrabbo Alyafei, Bushra Naaz Fathima Jaleel, and Tintu Mathew, 'Knowledge, Attitude and Behavior Towards Oral Health Care Among Parents/Caregivers of Children with Disabilities in Qatar,' (2020) 5(10) *Medical & Clinical Research* 251-257.

⁹⁶¹ Poonam Agrawal, Kanak Priya, and Dinesh Kumar Bagga, 'Oral Health Awareness Among Parents of Differently Abled Children: A study in North Indian Population,' (2021) 15 (2) *Indian Journal of Forensic Medicine & Toxicology* 963.

⁹⁶² Abdullah Ali H. Alzahrani, 'Parent Perspectives on Perceived Dental Pain and Dental Caries in Saudi School Children with Intellectual Disability,' (2019) 39 (3) *Special Care in Dentistry* 310-318.

⁹⁶³ Darren Chadwick, Melanie Chapman, and Gill Davies, 'Factors Affecting Access to Daily Oral and Dental Care Among Adults with Intellectual Disabilities,' (2018) 31 (3) *Journal of Applied Research in Intellectual Disabilities* 379-394.

disabled persons including adults and children are more vulnerable to oral health illnesses in their life than other people.^{964, 965}

Poor oral health is a precursor to other serious health complications, which in turn has a significant effect on the quality of life. This makes it more necessary to focus on improving the quality of oral health of individuals, and especially those with some underlying special health needs. However, as has been gathered from research, caregivers of persons with special needs lack adequate background information on how best to offer special care dentistry as well as homecare practices for such persons, thereby subjecting them to a higher risk of compromised oral health outcomes.^{966, 967}

There is immense evidence from different researchers which indicate that when parents and caregivers are well informed about oral health and also have positive attitudes towards it, it becomes easy in maintaining optimal oral health in their children and dependents.^{968, 969} It is worthwhile for the caregivers to offer special care to both persons with special needs in their families and other dependents, since such groups of people have oral health hygiene impairments, poor neuromuscular coordination, and inadequate intellectual development.^{970, 971} Though the KSA has experienced development and economic prosperity, the incidence rate of the oral and dental diseases in the country exceeds that of the developed and developing countries alike.⁹⁷²

⁹⁶⁴ Nathan J. Wilson, Zhen Lin, Amy Villarosa, et al., 'Countering the Poor Oral Health of People with Intellectual and Developmental Disability: A Scoping Literature Review,' (2019) 19(1) *BMC Public Health* 1-16.

⁹⁶⁵ American Academy of Paediatric Dentistry, 'Management of Dental Patients with Special Health Care Needs,' (Webpage, 2019-2020) <<https://www.aapd.org/research/oral-health-policies--recommendations/management-of-dental-patients-with-specialhealth-care-needs/>>.

⁹⁶⁶ Sharifa AM AL-Shehri, 'Access to Dental Care for Persons with Disabilities in Saudi Arabia (Caregivers' perspective),' (2012) 13(2) *Journal of Disability and Oral Health* 51.

⁹⁶⁷ Wilson, et al (n 964).

⁹⁶⁸ Lakshmi Krishnan, Gothai Prabha, and Parangimali Diwakar Madankumar, 'Knowledge, Attitude, and Practice About Oral Health Among Mothers of Children with Special Needs--A Cross-Sectional Study,' (2019) 6 (2) *Journal of Dental Research and Review* 39.

⁹⁶⁹ Hsiu-Yueh Liu, Jung-Ren Chen, Szu-Yu Hsiao, and Shun-Te Huang, 'Caregivers' Oral Health Knowledge, Attitude and Behavior Toward Their Children with Disabilities,' (2017) 12(4) *Journal of Dental Sciences* 388-395.

⁹⁷⁰ Jae-Young Lee, Kyung-Cheol Lim, So-Yun Kim, et al., 'Oral Health Status of the Disabled Compared with that of the Non-Disabled in Korea: A Propensity Score Matching Analysis,' (2019) 14(1) *PloS one* e0208246.

⁹⁷¹ L., I. P. R. Souza Pomarico, and LF Rangel Tura, 'Sweetened Medicines and Hospitalization: Caries Risk Factors in Children with and without Special Needs,' (2005) 6 (4) *European Journal of Pediatric Dentistry* 197.

⁹⁷² Ammar Ahmed Siddiqui, Abdulmjeed Sadoon Al-Enizy, Freah Alshammary, Sameer Shaikh, and Junaid Amin, 'Oral Health in Saudi Arabia,' (2021) *Handbook of Healthcare in the Arab World* 3511-3536.

In KSA, compromised oral hygiene is becoming a major concern for the entire population strata. Preventive behaviours for the disabled largely rely on the levels of awareness and the attitudes toward preventive measures and oral health practises of caregivers.^{973, 974, 975} Studies have established the lack of awareness among caregivers of children with disabilities in KSA on dental health.^{976, 977} When people are not well aware of proper oral health practices, they are likely to have poor oral health behaviour. As such, adequate awareness of oral health is necessary in promoting positive behaviour and attitudes among caregivers, as reported in some of the research studies.⁹⁷⁸

A study that targeted participants in the Southern region of Saudi Arabia focused on an analysis of the factors that influenced caregiver's level of awareness on proper oral health practices. The researchers reviewed the understanding of caregivers on the effect of fluoride on dental health. The level of education was found to have a major impact on the awareness and understanding of oral health care needs.⁹⁷⁹ However, this study was carried out in just the southern region of Saudi Arabia, where there are dental care services in three hospitals for disabled persons. The data from this study should be interpreted carefully, since the findings cannot be generalised to other regions of Saudi Arabia. The findings aligned with a study based in China which reported that caregivers' level of education is a crucial determinant of favourable oral health awareness and practice.⁹⁸⁰ It was observed that caregivers who had

⁹⁷³ AL-Shehri (n 966).

⁹⁷⁴ Mohammed Mustafa, Faris Yahya I. Asiri, Shahad AlGhannam, et al., 'Extent of Awareness Regarding Oral Health and Dental Treatment Needs Among Individuals with Hearing and Speech Impairments in Saudi Arabia,' (2018) 8 (1) *Journal of International Society of Preventive & Community Dentistry* 70.

⁹⁷⁵ Saad Masood Al-Qahtani, Pervez Abdul Razak, and Siraj DAA Khan, 'Knowledge and Practice of Preventive Measures for Oral Health Care Among Male Intermediate School Children in Abha, Saudi Arabia,' (2020) 17 (3) *International journal of environmental research and public health* 703.

⁹⁷⁶ Ebtissam Zakaria Murshid, 'Oral Health Status, Dental Needs, Habits and Behavioral Attitude Towards Dental Treatment of a Group of Autistic Children in Riyadh, Saudi Arabia,' (2005) 17 (3) *Saudi Dental Journal* 132-139.

⁹⁷⁷ Altaf H. Shah, Mustafa Naseem, Mohammad Shoyab Khan, et al., 'Oral Health Knowledge and Attitude Among Caregivers of Special Needs Patients at a Comprehensive Rehabilitation Centre: An Analytical study,' (2017) 8 (3) *Annals of Stomatology* 110.

⁹⁷⁸ Krishnan, Gothai Prabha, and Parangimali Diwakar Madankumar (n 968).

⁹⁷⁹ Shahabe Saquib Abullais, Falah Mohammed Falah Al-Shahrani, Khalaf Mohammed Saeed Al-Gafel, et al., 'The Knowledge, Attitude and Practices of the Caregivers about Oral Health Care, at Centers for Intellectually Disabled, in Southern Region of Saudi Arabia,' (2020) 8 (4) In *Healthcare* 416. Multidisciplinary Digital Publishing Institute.

⁹⁸⁰ Hsiu-Yueh Liu, Jung-Ren Chen, Szu-Yu Hsiao, and Shun-Te Huang, 'Caregivers' Oral Health Knowledge, Attitude and Behavior Toward their Children with Disabilities,' (2017) 12 (4) *Journal of Dental Sciences* 388-395.

acquired high school education were more likely to have better oral health behaviours than those without any formal education.⁹⁸¹ Similar findings were reported in a study carried out in Qatif, Saudi Arabia in which an average of 84.2 percent (%) of caregivers having high school education were found to have a sound understanding of the effect of high levels of fluoride to oral health compared to an average of 64.3 percent (%) of those without high school education.⁹⁸² In a different study by Murshid conducted in Riyadh, it was reported that, caregivers with higher education levels practiced better oral hygiene on the persons with special needs than those without.⁹⁸³

As reported in the reviewed studies, the level of education of a caregiver characterizes their overall oral health knowledge. Higher levels of education determine the level of oral health awareness and practices.^{984, 985} Various studies conducted in the KSA showed that, on average, caregivers have insufficient oral health knowledge and awareness.

Therefore, *this thesis recommends that effective oral health education programs must be available to caregivers, along with oral health promotion.* It is important to plan for appropriate oral health programs targeting caregivers and have specific topics covered in the trainings to help improve their understanding on oral health. There should be more emphasis on improving the level of knowledge of caregivers, which would be reflected in their child oral health behaviour. Oral health preventive programmes should also be rolled out in the schools and dental clinics since the practice has been shown to be effective in improving the oral health for disabled children.⁹⁸⁶

The importance of oral health prevention cannot be underestimated and should be well explained to the caregivers in order to increase their knowledge, attitude and practice of oral health. This would be necessary for disabled children who are under their supervision. Parents and caregivers require training, which should be provided with sufficient oral health knowledge and motivation to perform good oral hygiene care. Oral health education is a component of a

⁹⁸¹ Ibid.

⁹⁸² Khalifa S. Al-Khalifa, and AmalAlfaraj, 'Oral Health Awareness and Practices of Special Needs Caregivers in Qatif, Saudi Arabia,' (2021) 22 (9) *Shiraz E-Medical Journal* 1-9.

⁹⁸³ Murshid (n 976) 132-139.

⁹⁸⁴ Krishnan, Gothai Prabha, and Parangimali Diwakar Madankumar (n 978).

⁹⁸⁵ Al-Qahtani (n 975).

⁹⁸⁶ J. C. Spanemberg, J. A. Cardoso, E. M. G. B. Slob, and J. López-López, 'Quality of Life Related to Oral Health and its Impact in Adults,' (2019) 120 (3) *Journal of stomatology, oral and maxillofacial surgery* 234-239.

preventative oral health programme for parents and caregivers of disabled persons. To achieve the required outcome, however, this needs to be a sustained effort in cooperation with other preventative oral health measures. In addition to these issues, another reoccurring hurdle is the lack of coordination of dental care with other social or community services. Research has found that there is a global lack of integration between dentistry and community services.⁹⁸⁷ Decision makers should prioritise a coordinated organisational response to develop collaboration between dental and disability services and training for caregivers and disabled persons, as well as oral health education and training programmes, in order to improve parents' and caregivers' oral health knowledge, attitudes, and practices. These programmes and strategies may not only be beneficial in expanding awareness and knowledge, but they can also increase the skills and abilities of oral health professionals in the treatment of oral illness. Caregivers can support disabled persons to find their own dental care when they develop the capacity where they are able to do it independently by increasing their knowledge of oral health and the proper care for that too. Without such programmes and strategies, additional cases of poor oral health in disabled children, as well as adults and the elderly with special health care needs, might occur each year, making it more challenging to maintain the provision of proper oral care to disabled persons.

7.2 Improving the Right to Education of Disabled Persons: Teachers' Responsibility in Achieving Inclusive Education

Research shows that teachers have a major role in the realisation of inclusive education, including organising educational programs, designing and developing personalised educational practices, encouraging students to work hard, and making full use of available resources to ensure students' study is productive.⁹⁸⁸ Accordingly, teachers must be competent in areas such as valuing diversity, supporting students and team work, and must have appropriate

⁹⁸⁷ Afsary Khan, Budi Sabri, and Mas Ahmad, 'Factors affecting provision of oral health care for people with special health care needs: A systematic review' (2022) 34(7) *The Saudi Dental Journal* 534.

⁹⁸⁸ Heredero (n 817).

professional and personal training as required.⁹⁸⁹ Teachers can successfully implement and support inclusive education programs if they are well prepared⁹⁹⁰ and develop supportive relationships with students who have special educational needs.⁹⁹¹

In recent years, there has been a slowly intensifying increase in both momentum and support for inclusive education in KSA.⁹⁹² Alnahdi, Saloviita, and Elhadi, reported that services for students with special educational needs in KSA have increased slowly over the last two decades.⁹⁹³ To date, there has been a lack of research in this area as well as limited studies examining teacher attitudes towards the inclusion of disabled children in KSA mainstream schools. In addition, the Ministry of Education began integrating students with special educational needs into schools where students without special educational needs are educated.⁹⁹⁴ However, the majority of students with special educational needs are still taught in separate classrooms in traditional schools throughout the regions.⁹⁹⁵ The KSA has made important steps towards improving the quality of education programs and preparing teachers for inclusive education.⁹⁹⁶ However, these efforts have not sufficiently equipped teachers with the skills required for inclusive education. The preparatory skills acquired by teachers in pre-service colleges have also been identified as inadequate to facilitate inclusive education. Teachers lack the requisite knowledge and abilities in instructional collaboration and other educational practices to successfully support and implement inclusive education.⁹⁹⁷

⁹⁸⁹ European Agency for Development in Special Needs Education (n 819).

⁹⁹⁰ Sevilla, Pavón and Río (n 820).

⁹⁹¹ Azcárraga, Pomés and Henríquez (n 821).

⁹⁹² Ghaleb Alnahdi and Susanne Schwab, 'Inclusive education in Saudi Arabia and Germany: Students' perception of school well-being, social inclusion, and academic self-concept' (2021) 5(36) *European Journal of Special Needs Education* 773, 786..

⁹⁹³ Ghaleb Alnahdi, Timo Saloviita and Ayman Elhadi, 'Inclusive Education in Saudi Arabia and Finland: Pre- Service Teachers' Attitudes' (2019) 34(1) *Support for Learning* 73.

⁹⁹⁴ Ibid.

⁹⁹⁵ Alnahdi (n 992).

⁹⁹⁶ Turki Alquraini and Dianne Gut, 'Critical Components of Successful Inclusion of Students with Severe Disabilities: Literature Review' (2012) 27(1) *International Journal of Special Education* 42, 42–59.

⁹⁹⁷ Basmah Fahad Alshahrani, 'Obstacles to Inclusion of Students with Special Educational Needs (SEN) in Primary Mainstream Girls Schools in the Kingdom of Saudi Arabia (KSA) from the Perspective of Special Education Teachers' (PhD Dissertation, University of Birmingham, 2018); Munirah Alotaibi, 'The Perception of Special Teachers in Saudi Middle and High School about Co-teaching' (PhD Dissertation, State University of New York College at Fredonia, 2017); Nora Alharti and David Evans, 'Special Education Teachers' Attitudes Towards Teaching Students with Learning Disabilities in Middle Schools in Saudi Arabia' (2017) 1(1) *International Journal of Modern Education Studies* 1 <<http://dx.doi.org/10.51383/ijonmes.2017.13>>; Sarah Binmahfooz, 'Saudi Special Education Pre-service Teachers' Perspective Towards Inclusion' (PhD Dissertation, University of South Florida, 2019).

Similarly, teaching courses at the KSA universities have been identified as too theory focused, with a heavy emphasis on coursework that does not embrace the concept of inclusivity, with only a few opportunities for practical experience.⁹⁹⁸ This has led to the widening gap between the theory taught in teacher education programs and the actual classroom environment and teaching practices as required by the diverse student composition.⁹⁹⁹ Teachers themselves report feeling unprepared for the challenges associated with student diversity in the classroom environment.¹⁰⁰⁰

Killoran, Woronko and Zaretsky noted that ‘teacher-preparation programs ought to design courses that help prospective teachers to appreciate the environmental, social, and cultural contexts of learning, behaviour, and teaching, for them to learn how to implement the acquired skills in inclusive education classrooms that serve diverse students’.¹⁰⁰¹ Similar research explains the need to establish positive approach towards inclusive education in teacher preparation programs. Several studies conducted in UK, Ireland, and USA found that teachers who undertake pre-service training that includes modules on inclusive education and student diversity have positive attitudes towards inclusive education.¹⁰⁰² According to Michael Harvey and other writers, Theoretical and practical training can help address teachers’ concerns and properly prepare them for the present and future classroom environment.¹⁰⁰³

⁹⁹⁸ Suhail Mahmoud Al-Zoubi, ‘Mainstreaming in Kingdom of Saudi Arabia: Obstacles Facing Learning Disabilities Resource Room’ (2016) 6(1) *Journal of Studies in Education* 37, 37–55.

⁹⁹⁹ Khalid Mohammed Abu-Alghayth, ‘Instructional Collaboration in Saudi Inclusive and Mainstream Education’ in SR Semon, D Lane and P Jones (eds), *Instructional Collaboration in International Inclusive Education Contexts* (Emerald Publishing Limited, 2021) 41.

¹⁰⁰⁰ Elsayed Elshabrawi Hassanein, Taha Rabie Adawi and Evelyn S Johnson, ‘Barriers to Including Children with Disabilities in Egyptian Schools’ (2021) 24(1) *Journal of International Special Needs Education* 25, 25–35.

¹⁰⁰¹ Isabel Killoran, Dagmara Woronko and Hayley Zaretsky, ‘Exploring Preservice Teachers’ Attitudes Towards Inclusion’ (2014) 18(4) *International Journal of Inclusive Education* 427, 428.

¹⁰⁰² Genevieve M Johnson and Howell J Andrew, ‘Change in Pre-Service Teacher Attitudes Toward Contemporary Issues in Education’ (2009) 24(2) *International Journal of Special Education* 35; Jackie Lambe, ‘Northern Ireland Student Teachers’ Changing Attitudes Towards Inclusive Education During Initial Teacher Training’ (2007) 22(1) *International Journal of Special Education* 59, 59–71; Ji-Ryun Kim, ‘Influence of Teacher Preparation Programmes on Preservice Teachers’ Attitudes Toward Inclusion’ (2011) 15(3) *International Journal of Inclusive Education* 355, 355–77; Killoran, Woronko and Zaretsky (n 1001) 427–42; Patricia Alvarez McHatton and Audra Parker, ‘Purposeful Preparation: Longitudinally Exploring Inclusion Attitudes of General and Special Education Pre-service Teachers’ (2013) 36(3) *Teacher Education and Special Education* 186, 186–203; Woo Sik Jung, ‘Preservice Teacher Training for Successful Inclusion’ (2007) 128(1) *Education* 106.

¹⁰⁰³ Michael W Harvey et al, ‘Preservice Teacher Preparation for Inclusion: An Exploration of Higher Education Teacher-training Institutions’ (2010) 31(1) *Remedial and Special Education* 24, 24–33.

Shade and Stewart discovered that introductory special education courses affected prospective teachers attitudes towards inclusive education.¹⁰⁰⁴ Shippen et al found a statistically significant change in pre-service teachers' attitudes towards inclusive education after undertaking an introductory course.¹⁰⁰⁵ Studies by other different authors have confirmed that participation in a preparatory course—ideally involving field training/practical experience—can positively affect pre-service teachers' attitudes and beliefs towards inclusive education.¹⁰⁰⁶

Based on the reviewed research findings, *this thesis recommends that the MOE, higher education institutions and teacher education institutions in the KSA identify and implement effective methods of preparing trainee teachers to support and implement inclusive education.* This can be achieved by including teaching practicum courses in education programs. The preparation year at university should equip pre-service teachers with the necessary skillsets in socio-cultural knowledge, affirmative attitude, collaborative skills and pedagogic diversity. These are required by teachers to meet the needs of culturally and linguistically diverse disabled students. Similarly, courses in the four-year, tertiary-level special education degree should be adapted to include teaching of practical skills and field training/practical experience. Trainee teachers should be given opportunities to teach special education students with diverse types of disabilities to better enable their development of practical teaching skills.¹⁰⁰⁷ Previous research found that the attitudes of pre-service teachers had only a significant effect on their self-efficacy in teaching disabled children's.¹⁰⁰⁸ This conclusion is consistent with the social learning theory, which argues that attitudes are substantially associated with self-efficacy.¹⁰⁰⁹ In light of this finding, boosting pre-service

¹⁰⁰⁴ Richard A Shade and Roger Stewart, 'General Education and Special Education Preservice Teachers' Attitudes Toward Inclusion' (2001) 46(1) *Preventing School Failure: Alternative Education for Children and Youth* 37, 37–41.

¹⁰⁰⁵ Margaret E Shippen et al, 'Preservice Teachers' Perceptions of Including Students with Disabilities' (2005) 28(2) *Teacher Education and Special Education* 92, 92–9.

¹⁰⁰⁶ See, eg, Jennifer Campbell, Linda Gilmore and Monica Cuskelly, 'Changing Student Teachers' Attitudes Towards Disability and Inclusion' (2003) 28(4) *Journal of Intellectual and Developmental Disability* 369, 369–79; Johnson and Andrew (n 1002); Killoran, Woronko and Zaretsky (n 1001) 427–42; Roben W Taylor and Ravic P Ringlaben, 'Impacting Pre-Service Teachers' Attitudes Toward Inclusion' (2012) 2(3) *Higher Education Studies* 16, 16–23. See especially Elsayed EA Hassanein, Yousef M Alshaboul and Sayed Ibrahim, 'The Impact of Teacher Preparation on Preservice Teachers' Attitudes Toward Inclusive Education in Qatar' (2021) 7(9) *Heliyon* e07925.

¹⁰⁰⁷ Sara Al-Assaf, 'An Evaluation of the New Inclusion Model in Saudi Arabia: Teachers' Knowledge and Perspectives' (PhD Dissertation, Edgewood College, 2017).

¹⁰⁰⁸ R Lidor and Y Hutzler, 'Including Students with Disabilities in a Physical Education Teacher Preparation Program: An Institutional Perspective. In *Teacher Education in the 21st Century*' [2019] *IntechOpen*.

¹⁰⁰⁹ Akie Yada and Hannu Savolainen, 'Japanese in-service teachers' attitudes toward inclusive education and self-efficacy for inclusive practices. (2017) 64 *Teach. Teach* 222–229.

teachers' self-efficacy in teaching students with visual impairments and intellectual disabilities may need more specific types of training, since educating people with visual impairments presents a distinct set of challenges.¹⁰¹⁰ Students in universities should have the opportunity to engage in meaningful contact with disabled persons as part of preservice education programmes' theoretical and practical components. In addition, preservice teachers should be taught how to adapt their standard teaching skills and techniques to accommodate the needs of all students within inclusive frameworks. These programmes must be continuous, relevant, and interesting in order to be effective. In addition, teachers need to develop their skills in functioning within collaborative frameworks. These frameworks are based on the idea that collaboration means integrating general and special education in a wide and systematic way into all parts of the preservice curriculum in order to increase inclusion. However, Kirk examined the impact of university courses on preservice teachers' attitudes towards disabled persons in 1998 and found that participation in this coursework had no effect on preservice teachers' attitudes towards working with disabled person.¹⁰¹¹

7.3 Improving the Right to Employment of Disabled Persons: Adopting a Flexible Approach to Employment Services

Improving public service capabilities requires governments to reconsider their strategies for major change programs.¹⁰¹² The best way to secure employment of persons marginalised from the labour market due to mental or physical disabilities is undertaking employment reforms based on a flexible approach which prioritises the right of disabled persons.¹⁰¹³ For example, France has an effective practice on matters of handling persons with disability. They are officially recognized so that they are considered fairly in employment, which allows them to

¹⁰¹⁰ Y Koh, 'A Strategy to Improve Pre-service Teachers' Self-Efficacy towards Inclusive Physical Education for Students with Intellectual Disability and Autism' (2017) 22 *Int. J. Incl. Educ.* 839–855.

¹⁰¹¹ Kirk R, 'The link between university course work and pre-service teachers' attitudes toward students with...' (1998) 32(1) *College Student Journal* 153, 159.

¹⁰¹² Tera Allas et al, '*Delivering for Citizens: How to Triple the Success Rate of Government Transformations*' (Report, McKinsey Center for Government, 2018).

¹⁰¹³ Giuliano Bonoli, *The Origins of Active Social Policy: Labour Market and Childcare Policies in a Comparative Perspective* (Oxford University Press, 2013); Rik Van Berkel et al, *Frontline Delivery of Welfare-to-Work Policies in Europe: Activating the Unemployed* (Taylor & Francis, 2017).

be included in the allocated quota for persons with special needs and also benefit from some recruitment tools and networks. Disabled person who are registered are legally recognized in the employment sector as disabled workers. This is well anchored in the legislation known as Reconnaissance of de la Qualité de Travailleur Handicap, which refers to Recognition of the Quality of Disabled Workers. This recognition facilitates the persons with disabilities to be counted in the French quota system. Quota systems are meant to stimulate companies to commit to employ a particular proportion of persons with disabilities in their organizations.¹⁰¹⁴ They also benefit from financial support and access to accommodations in the workplace through an established association that helps in the management of funds targeted for integration of people with disabilities.¹⁰¹⁵ The provision of the outlined services to persons with disabilities requires high level of flexibility in the existing employment policies to cater for the needs of such people. Simultaneously, public and private sector employers must enhance equality in job offers and positions to cater to all segments of society. However, the extent of the incentives that are offered by quota systems is rather limited in many of the European countries.¹⁰¹⁶ Many employers consider fees and penalties as minor additional non-wage labour costs, and these factors are not the primary considerations when making hiring decisions for disabled persons.¹⁰¹⁷ On the other hand, the change point in the demographic demonstrates the "inherent ambivalence of the quota system." When the workers get older, they will qualify for disability benefits under the quota system because of their age, which employers will take advantage of to pay less in fees.¹⁰¹⁸ As a result, less funds are available for the creation of new jobs for individuals with disabled persons, while expenditures for permanent wage subsidies increase.¹⁰¹⁹

In the KSA context, this is crucial for ensuring that the Saudi labour sector is well balanced, as required in Vision 2030. Vision 2030 (approved in April 2016) state that empowered disabled

¹⁰¹⁴ Michael Fuchs, 'Quota Systems for Disabled Persons: Parameters, Aspects, Effectivity,' (*Vienna: European Centre for Social Welfare Policy and Research*, 2014).

¹⁰¹⁵ Sarah Richard, and Sophie Hennekam, 'When Can a Disability Quota System Empower Disabled Individuals in the Workplace? The Case of France,' (2021) 35 (5) *Work, Employment and Society* 837-855.

¹⁰¹⁶ Fuchs (n 1014).

¹⁰¹⁷ Ibid.

¹⁰¹⁸ Richard and Hennekam (n 1015).

¹⁰¹⁹ Fuchs (n 1014).

persons to obtain suitable employment in all sectors of the Saudi economy, aiming to ensure that they operate independently and are fully integrated as important actors in society.¹⁰²⁰

The MHRSD is responsible for managing the vocational rehabilitation programs for disabled persons in the KSA.¹⁰²¹ Vocational rehabilitation centres aid disabled persons in finding, maintaining or returning to employment. Additionally, the Mowaama ('adaptability') program initiated by MHRSD helps to provide good working environment for disabled persons by working collaboratively with employers and awarding compliance certificates after set guidelines on safeguarding the rights of disabled persons are met.¹⁰²² However, despite these efforts, disabled persons in the KSA are still struggling to acquire and retain employment.

Studies have found that the vocational rehabilitation centres are inefficient and do not effectively support disabled persons in undertaking the transition from school to work-related skills training.¹⁰²³ A study conducted in the KSA among persons with intellectual disabilities found that the vocational rehabilitation programs meant to prepare persons with intellectual disabilities for the workplace are ineffective.¹⁰²⁴ Participants reported that the KSA Government has an immense task in ensuring existing vocational rehabilitation training programs are strengthened while others are set up to help safeguard the rights and service accessibility of persons with intellectual disabilities. A study that interviewed parents of persons with intellectual disabilities, vocational rehabilitation training centre officials, company directors and administrators of websites that offer hiring opportunities reported numerous challenges faced by persons with intellectual disabilities at vocational rehabilitation centres.¹⁰²⁵ The causes were reported as a shortage of tools and equipment required for effective training, lack of relevant training among instructors and trainers at rehabilitation centres, and

¹⁰²⁰ Majid ALSayari, 'A Social Cognitive Investigation of People with Physical Disabilities in Saudi Arabia' (PhD Dissertation, School of Education, University of Wollongong, 2016).

¹⁰²¹ Ibid.

¹⁰²² Helen Peterson, 'Built Environment Accessibility in the Eastern Province of the Kingdom of Saudi Arabia as Seen by Persons with Disabilities' (2021) 11(1) *Journal of Accessibility and Design for All* 115, 121

¹⁰²³ Adel S Alanazi, 'The Difficulties Witnessed by People with Intellectual Disability in Transition to Work in Saudi Arabia' (2018) 12(4) *International Journal of Educational and Pedagogical Sciences* 527, 527–36.

¹⁰²⁴ Adel Alanazi, 'The Perceptions of Individuals with Intellectual Disability Toward Workplace Environment and Practices' (2022) *Ankara Üniversitesi Eğitim Bilimleri Fakültesi Özel Eğitim Dergisi* [Ankara University Faculty of Educational Sciences Journal of Special Education] 1, 1–23 <<http://dx.doi.org/10.21565/ozelegitimdergisi.776646>>.

¹⁰²⁵ Alanazi (n 1023).

absence of assistance for professional training from the non-governmental sector and MHRSD. The study indicated that the training programmes in rehabilitation centre are not sufficiently practical or helpful to disabled persons for acquiring necessary skills for the workplace and failed to facilitate employment.¹⁰²⁶ The findings align with American research, in terms of how the vocational rehabilitation centre assisted disabled persons with the transition after school exit to work and community living. They found that persons with intellectual disabilities were not able to effectively compete in social and professional areas as the training had not equipped them with the requisite skills for the job market.¹⁰²⁷

There are also negative perceptions in workplaces of people with intellectual disabilities.¹⁰²⁸ A large number of organisations in the KSA do not consider employing disabled persons and lack policies for their employment. Most organisations have negative perceptions of employing disabled persons and have low or no levels of recruitment for them.¹⁰²⁹ Employers' perceptions of disabled persons are shaped by cultural and societal ideologies.

The Australian model has most of its government-funded employment services and a mix of large, medium and small organisations covered in the model. The effectiveness of these programmes is still being criticized, susceptible to improvement and reform. In-depth interviews with programme providers, employers, participants, and disability advocates revealed a significant negative sentiment about the programs.¹⁰³⁰ However, Australia has a clear employment strategy that is adjustable and reformable in accordance with future changes and ensures that disabled persons, their families and caregivers are involved in these important reforms to disability employment services. Therefore, the experience of the Australian employment model is used as an example. Despite the challenges and the shortcomings of the Australian employment model, the strengths in the Australian employment model can be picked up and used to help build up the KSA employment model based on the design of Vision 2030, which consists of three approaches, a vibrant society, a thriving economy and an

¹⁰²⁶ Ibid.

¹⁰²⁷ Nicholas J Certo et al, 'Seamless Transition and Long-Term Support for Individuals with Severe Intellectual Disabilities' (2008) 33(3) *Research and Practice for Persons with Severe Disabilities* 85, 85–95.

¹⁰²⁸ Nada Azhar, 'Disability Diversity Management: A Case Study of the Banking Sector in the KSA' (2014) 8(12) *International Journal of Social, Behavioural, Educational, Economic, Business and Industrial Engineering* 3525.

¹⁰²⁹ Alanazi (n1024) 1–23.

¹⁰³⁰ Alex Collie Michael Di Donato and Ross Iles, 'Work disability in Australia: an overview of prevalence, expenditure, support systems and services. (2019) 19(3) *Journal of occupational rehabilitation* 526-539.

ambitious nation. Accompanying this was the establishment of the National Disability Insurance Scheme (NDIS), reformation of the Disability Employment Support (DES) program and the financial assistance from the federal government for employers who hire disabled persons.¹⁰³¹ Policies and initiatives were geared towards enhancing the rights of disabled persons. The DES program is the Australian Government's specialised welfare program, overseen by the department of social services, which evaluates persons' disability conditions to assess whether they are the main barrier to acquiring and retaining employment.¹⁰³² The DES program is subdivided into two parts; disability management and Employment Support Services. Disability management service enables job seekers with a disability, injury or a health condition to get a job and occasional support to sustain them in the job. On the other hand, employment support service enables job seekers who have a permanent disability to get a job and also have regular support to help them sustain the job. On June 30, 2023, the current DES programme will end and be replaced with a new model of disability employment support.¹⁰³³ The aim of the new pilot DES programme (which is scheduled to commence in 2023) is to ensure that providers of DES collaborate with support systems operated by the government.¹⁰³⁴ However, there are several challenges that act as barriers to the DES programme.¹⁰³⁵ Across various metrics, performance is mixed and, in some cases, deteriorating.¹⁰³⁶ In-depth interviews with programme providers, employers, participants, and disability advocates revealed a significant negative sentiment about the programme.¹⁰³⁷ Modifications to the Disability Job Services (DES) programme were revealed in the 2017 Federal Budget, in which the government reiterated its commitment to improving employment outcomes for disabled persons and announced changes to the programme from July 1, 2018. The adjustments were made in an effort to better meet the requirements of participants who had a handicap, injury, or health condition and to make it more rewarding for DES providers who successfully connected people with jobs that would endure for an extended period of time. However, Since

¹⁰³¹ Hossein Adibi, 'The Australian National Disability Insurance Scheme During COVID-19: The Case of People with Disabilities from Culturally and Linguistically Diverse Backgrounds' in Anastasios Moutzoglou (ed), *Quality of Healthcare in the Aftermath of the COVID-19 Pandemic* (IGI Global, 2022) 42, 42–64.

¹⁰³² Department of Social Services (Cth), 'National Disability Employment Framework Discussion Paper' (Department of Social Services, November 2015) <https://engage.dss.gov.au/wp-content/uploads/2015/11/disability_employment_framework_discussion_paper_-_final.pdf>.

¹⁰³³ Adibi (n 1031).

¹⁰³⁴ Department of Social Services (n 1032).

¹⁰³⁵ Boston Consulting Group, Mid-term Review of the Disability Employment Services (DES) Program (Report, August 2020).

¹⁰³⁶ *Ibid.*

¹⁰³⁷ *Ibid.*

the reforms of 2018, the rates at which employment outcomes are achieved have declined, and the number of employment outcomes achieved has not kept pace with the increase in caseload.¹⁰³⁸ With costs rising, the spend per employment outcome has risen substantially.¹⁰³⁹ There are three causes at play in the decline of performance in terms of outcome rates and costs: increased emphasis on education outcomes; a rising, uncapped caseload; changes in how participants are distributed across funding levels.¹⁰⁴⁰

The NDIS is managed by the National Disability Insurance Authority, which is an independent body with its board comprised of disabled persons. For disability employment support, individual NDIS-funded support tends to supplement continuing federally contracted services such as DES and Job Access.¹⁰⁴¹ The NDIS is helpful to disabled persons since it offers them access to information on services available in their communities on doctors, sporting clubs, support groups, libraries, schools, and the support provided by the state and federal government.¹⁰⁴² The NDIS also provides funding to people who qualify based on their needs. The funding can be used to acquire support services which enable them to meet their needs. Some of the likely needs include getting and sustaining a job, networking, and taking part in community activities. As such, NDIS plays a major role in controlling the received support in regard to when it is received and its source.¹⁰⁴³ In rhetoric, the NDIS is adopting a social model of disability.¹⁰⁴⁴ However, institutions, specifically the NDIA, continue to exercise significant control and surveillance over people with a biological impairment.¹⁰⁴⁵ NDIS eligibility criteria presume a standardised, medicalised, and deficit-based understanding of disability.¹⁰⁴⁶ Furthermore, the slow processes of approving assistive technology by government funding bodies contribute to individuals receiving the wrong assistive technology.¹⁰⁴⁷ In some cases disabled persons have been waiting for life-changing equipment for so long that it has become

¹⁰³⁸ Ibid.

¹⁰³⁹ Ibid.

¹⁰⁴⁰ Ibid.

¹⁰⁴¹ NIDS, 'What is the NDIS?' (Web Page, 14 September 2021) <<https://www.ndis.gov.au/understanding/what-ndis>>.

¹⁰⁴² Ibid.

¹⁰⁴³ Ibid.

¹⁰⁴⁴ Chris Horsell, 'Problematising Disability: A Critical Policy Analysis of the Australian National Disability Insurance Scheme' [2020] *Australian Social Work* 1, 10.

¹⁰⁴⁵ Ibid.

¹⁰⁴⁶ Ibid.

¹⁰⁴⁷ Kostas Mavromaras et al, *Evaluation of the NDIS* (Report, February 2018).

obsolete by the time it arrives. In some cases, clients have even died while waiting for assistive technology, as service providers struggle to navigate the complex and bureaucratic NDIS.¹⁰⁴⁸

As a result, *this thesis urges the KSA government to develop an employment model that will enable, assist, and support disabled persons in finding and maintaining typical employment opportunities, and thus support employers' efforts to hire disabled persons.* The government of the KSA should be committed to assisting more disabled persons to get employment to ensure that they will enjoy the economic and social benefits of employment. In accordance with the KSA's responsibilities under the UNCRPD. Employers and disabled persons need a system that meets their requirements and provides the right assistance to obtain and maintain employment. The MHRSD, in collaboration with the government of the KSA, should guarantee that the new model for disability employment assistance is designed with disabled persons' perspectives and needs in mind. Instead of adopting change initiatives that might be for the short term or fail due to insufficient bottom-up support, create a new employment strategy that is adjustable and scalable in accordance with future changes and ensure that disabled persons, their families and carers are involved in these important reforms to disability employment services. Incorporating collaborative mechanisms into the new Disability Employment Support Model will be a practical need for mobilising local efforts, networks, and resources to meet the demands of local employers and disabled persons. It is necessary for the model to be adaptable enough to blend and braid with many other government programmes and investments. Finally, in order to avoid further entrenching disadvantage for disabled persons, it is key to provide opportunity to test, trial, and learn as we implement reforms. Government policy to support disabled persons should be intertwined with their pathways to further education, vocational training, and employability to ensure that all of these efforts complement one another and avoid duplication.

¹⁰⁴⁸ Ibid.

7.4 Improving the Right to Living Standard and Social Protection of Disabled Persons

7.4.1 Innovative Solutions to Facilitate Accessibility

In the built environment, accessibility refers to the ease of access to a particular item, place, or service. It is a critical aspect of consideration for different parts of any society and especially those who are physically challenged in their participation in daily activities.¹⁰⁴⁹ For example, accessing offices, homes and other buildings is impossible for disabled persons in wheelchairs without the availability of ramps and suitable paths.¹⁰⁵⁰ The human rights model underscores the significance of supporting disabled persons to access various facilities in ways that ensure the promotion of equality.¹⁰⁵¹

The KSA Government is aware of the need for accessibility of facilities and developed its version of the 2003 International Building Code accordingly, updated recently to align with the 2015 International Building Code. The *Saudi Building Code of 2018*¹⁰⁵² sets out penalties for non-adherence to the requirement to design structures in a manner that accommodates disabled persons.¹⁰⁵³ Targeted structures include government and administrative buildings, towers above 23 meters, educational buildings, commercial malls, industrial buildings, healthcare centres, motels and residential buildings, among others.¹⁰⁵⁴ However, an analysis of the KSA built environments indicates that disabled persons still encounter challenges in accessing the aforementioned built environments.¹⁰⁵⁵ Disabled persons have reported that the policy and procedure have not improved their accessibility.¹⁰⁵⁶ Research conducted in Jeddah City, the second-largest city in the KSA, found that participants reported that access to most

¹⁰⁴⁹ Peterson (n 1022) 115-117.

¹⁰⁵⁰ Linda Barclay, *Disability with Dignity: Justice, Human Rights and Equal Status* (Routledge, 2020) 2.

¹⁰⁵¹ *Ibid* 1.

¹⁰⁵² *Saudi Building Code 2018* (Kingdom of Saudi Arabia) reg 201.

¹⁰⁵³ Peterson (n 1022) 122.

¹⁰⁵⁴ *Ibid*.

¹⁰⁵⁵ Mohammad and Al-Harbi (n 199) 121.

¹⁰⁵⁶ Peterson (n 1022) 117.

entertainment venues and other public spaces was challenging.¹⁰⁵⁷ Some of the elements identified as essential to accessibility, including ramps, elevators, restrooms, signage and egress, were reported as difficult to locate and navigate.¹⁰⁵⁸ However, due to the small number of study participants, the findings cannot be statistically generalised to a larger target population. In addition, the research was conducted on disabled persons from a particular institution. It could be argued that getting the perspectives of research participants from a variety of KSA institutions would have strengthened the study.¹⁰⁵⁹ Another study of 235 persons with physical disability at King Abdul Aziz Medical City in Riyadh reported that around 88% of participants required assistance from someone else for movements within the city.¹⁰⁶⁰ At least 52% of participants were not satisfied with parking lot designs, and 79.3% perceived the parking space as insufficient.¹⁰⁶¹ The data clearly showed the challenges encountered by disabled persons when attempting to access basic services. However, in this study only physical disability was considered; blindness, deafness, and mental disability were not taken into consideration. Children were also excluded from participating in the research. Other services at the chosen hospital were also not considered in this study.

A limited number of studies in the KSA have investigated levels of compliance with legislation on accessibility of public transportation systems and buildings in different localities. These studies indicate low levels or no compliance at all for built environment accessibility.¹⁰⁶² Lack of effective law enforcement has also been identified as negatively affecting the accessibility of the built environment,¹⁰⁶³ along with non-compliant design, regulation shortfalls and ineffective implementation of existing regulations. Accordingly, the requirements in the existing legislation fail to safeguard accessibility and inclusion, intended to ensure that built

¹⁰⁵⁷ Reemah Yousef, 'Disability, Social Work and Social Exclusion: New Strategies for Achieving Social Inclusion of People with Physical Disabilities in the Kingdom of Saudi Arabia' (PhD Dissertation, University of Salford, 2019) 173<<https://usir.salford.ac.uk/id/eprint/50530/1/Final%20PhD%20Thesis%20Reemah%20Yousef.pdf>>.

¹⁰⁵⁸ Ibid.

¹⁰⁵⁹ Ibid.

¹⁰⁶⁰ Fatimah Mohammed Ali Alkawai and Abdullah Saad Alowayyed, 'Barriers in Accessing Care Services for Physically Disabled in a Hospital Setting in Riyadh, Saudi Arabia, Cross-Sectional Study' (2017) 7(2) *Journal of Community Hospital Internal Medicine Perspectives* 82, 82–6.

¹⁰⁶¹ Ibid.

¹⁰⁶² Mohammad and Al-Harbi (n 199) 121.

¹⁰⁶³ Paramasivan Mani et al, 'Assessment of Accessibility Preparation for People with Special Needs at Al Ahsa Mosques' (2021) 11(11) *International Journal of Health Sciences and Research* 62, 62–9.

environments are easily accessible to disabled persons.¹⁰⁶⁴ Per Gleeson, despite the enactment of human rights legislation and the reassurance that this would create inclusive environments for all people, ‘achieving the goals of human rights is still hampered by ineffective legislation and inaccessible design’.¹⁰⁶⁵ Ultimately, creation and reform of law and regulations cannot alone ensure that disabled persons’ needs are met—successful implementation requires effective enforcement.

Therefore, *this thesis recommends that the KSA government officials progress measures to achieve an accessible built environment through effective enforcement of the existing Saudi Building Code of 2018, addressing negative societal attitudes towards disabled persons, and educating the general public on laws and regulations relating to the accessibility of public transportation networks and buildings.* There is still no tool that is widely used to assess the built environment's accessibility on a large scale. Unfortunately, just having the documentation outlining the Saudi Building Code and having good intentions is not enough; the regulations must be enforced. The number of disabled persons who can assist themselves will increase to the point where they can live independently. The removal of physical and social barriers is directly related to the provision of possibilities to lead a life that is as normal as can be. The Accessibility Model provides good guidance for an accessible built environment,¹⁰⁶⁶ but people need to be aware of the challenges that people with physical disabilities experience due to poor accessibility of built environments and understand that accessibility is essential for the daily lives and living standard of disabled persons. Accessibility is a prerequisite for effective integration of disabled persons into society. No legislation can address the plight of disabled persons and ensure a lifestyle that is entirely inclusive and accessible unless policymakers and other decision-makers consider the wider socio-cultural, socioeconomic and socio-political context surrounding built environments, as well as ensure effective enforcement of legislation.¹⁰⁶⁷ Such an initiative would mirror that undertaken in the KSA for empowerment of women. The KSA has undergone substantial developments in 2010–2020, among which one of the most difficult and sensitive issues was empowerment of women and enhancing their

¹⁰⁶⁴ Hashem Abu Tariah et al, ‘Wheelchair Accessibility of Mosques in Riyadh’ (2018) 60(3) *Work* 385, 385–91.

¹⁰⁶⁵ Brendan Gleeson, ‘Disability and The Open City’ (2001) 38(2) *Urban Studies* 251, 259.

¹⁰⁶⁶ See Trinidad Domínguez Vila, Simon Darcy and Elisa Alén González, ‘Competing for the Disability Tourism Market – a Comparative Exploration of the Factors of Accessible Tourism Competitiveness in Spain and Australia’ (2015) 47(1) *Tourism Management* 261, 261–72.

¹⁰⁶⁷ Mohammad and Al-Harbi (n 199) 121.

involvement in public affairs.¹⁰⁶⁸ Despite initially strong societal resistance, the last 10 years have seen increased female enrolment in all levels of education, increased levels of employment, increased participation in virtually all aspects of public life, and an increased number of women in senior management positions and public and private sector decision-making.¹⁰⁶⁹ Saudi women have experienced tremendous changes in regard to their access to quality education which has significantly empowered them. This is evident in the elevated levels of women in the KSA in the social, economic, and education sectors.¹⁰⁷⁰ There still needs to be more researches about the accessibility of the built environment for disabled persons in Saudi Arabia. There hasn't been a lot of research done in this area, and there haven't been many studies done on how to make the built environment in KSA more accessible for people with disabilities.

7.4.2 Prohibiting Discrimination and Delivering Equal Treatment

The principle of equality and non-discrimination is generally perceived as an important element of international human rights law.¹⁰⁷¹ Non-discrimination and equal rights are widely accepted as key aspects of major human rights treaties.¹⁰⁷² Yet discrimination against disabled persons remains a major problem,¹⁰⁷³ evident in all areas of public life, including employment, education, healthcare, access to services and access to housing.¹⁰⁷⁴ This is certainly the situation in the KSA.¹⁰⁷⁵

¹⁰⁶⁸ Najia Saqib, 'Women Empowerment and Economic Growth: Empirical Evidence From Saudi Arabia' (2016) 6(5) *Advances in Management & Applied Economics* 79, 79–92.

¹⁰⁶⁹ Hanan Al-Ahmadi, 'Challenges Facing Women Leaders in Saudi Arabia' (2011) 14(2) *Human Resource Development International* 149, 149–66.

¹⁰⁷⁰ Alyaa O. I. Farag, and Wedad Abdullah Sharabi, 'University Education Role in Empowering Saudi Women in Light of Development Strategy 2030 from the Students' Perspective at Prince Sattam Bin Abdulaziz University,' (2020) 26 (1) *Journal of Social Studies* 31-53.

¹⁰⁷¹ Lie Weiwei, 'Equality and Non-Discrimination Under International Human Rights Law' (Research Notes 03/2004, The Norwegian Centre for Human Rights, 2004) <<https://www.jus.uio.no/smr/english/about/programmes/china/avpublisert/china-old-documentation-only/publications/0304.pdf>>.

¹⁰⁷² Yoram Dinstein, 'Discrimination and International Human Rights' in Yoram Dinstein and Jeff Lahav (eds), *Israel Yearbook on Human Rights* (Brill Nijhoff, 1985) vol 15, 11, 11–27.

¹⁰⁷³ Andrea Marie Jones, Rodrigo Finkelstein and Mieke Koehoorn, 'Disability and Workplace Harassment and Discrimination Among Canadian Federal Public Service Employees' (2018) 109(1) *Canadian Journal of Public Health* 79, 79–88.

¹⁰⁷⁴ Thomas P Dirth and Nyla R Branscombe, 'Disability Models Affect Disability Policy Support Through Awareness of Structural Discrimination' (2017) 73(2) *Journal of Social Issues* 413, 413–42.

¹⁰⁷⁵ Somaia Mustafa, 'Solutions for Disability Problems in Saudi Arabia' (2018) 9(15) *Religion* 61, 61–70.

Alsarawi conducted a study based in the KSA with a focus on the attempts by the KSA to provide inclusive playground facilities since most of the existing playgrounds were not favourable to all learners. Children with disabilities found the playgrounds uncondusive to them, hence the need for policy makers to develop policies and guidelines that align with the needs of the disabled persons. It is also necessary to address the gap between research, policy, and practice on matters of creating inclusive playing facilities in the KSA.¹⁰⁷⁶ However, the experience of the United States was adopted as an example in this article. There has been some criticism of the playground restrictions in the US. For example, the guidelines often focus on children with physical impairments, such as those who use wheelchairs, while ignoring the needs of children with other disabilities.¹⁰⁷⁷

In the KSA, women are the primary caregivers of disabled persons. Women are in charge of educating, caring for, bringing up children, whilst men's primary concern is with their family's financial demands.¹⁰⁷⁸ The KSA society lacks awareness of major issues that affect disabled children, especially in family units. For instance, many mothers of disabled children avoid social gatherings and prefer to stay at home to avoid discrimination against them and their children. Mothers believe that children with disabilities are an invisible group in society that tends to draw negative attention from other people.¹⁰⁷⁹ This creates a stigma that inevitably leads to social exclusion and isolation from society and within their local networks. Mothers are interested in ensuring their children are included in society, but it seems that society does not accept them and their children. As such, they are seeking increased public awareness about disability so that levels of stigma can be minimised. A study conducted on mood disorder affecting mothers with disabled children showed that the level of anxiety and despair is significantly higher in these mothers who are more anxious about their children's future and social acceptance than those whose children are not disabled.¹⁰⁸⁰ However, the study conducted only the parents of intellectually disabled male children. Intellectually disabled female children

¹⁰⁷⁶ Aeshah Alsarawi, 'Inclusive Playgrounds: Concerted Efforts for Children with Disabilities in Saudi Arabia,' (2020) 9(4) *International Journal of Play* 382-399.

¹⁰⁷⁷ Ibid.

¹⁰⁷⁸ Mubarak S Aldosari and Lisa A Pufpaff, 'Sources of Stress Among Parents of Children with Intellectual Disabilities: A Preliminary Investigation in Saudi Arabia' (2014) 3(1) *Journal of Special Education Apprenticeship* 1.

¹⁰⁷⁹ Ibid.

¹⁰⁸⁰ Muwafak H Al-Eithan, Asirvatham A Robert and Aman H Al-Saeed, 'Mood Problems of Mothers with Disabled Children in Saudi Arabia' (2010) 31(10) *Saudi Medical Journal* 1161, 1161-5.

should be considered in future studies. In addition, the results could be different if the study were conducted on the parents of children who have multiple disabilities such as physical disability and autism.

A study evaluating access to employment for women with disabilities reported that, although there are legislative and policy guidelines supporting disabled persons in the KSA, current policies are ineffective in safeguarding the rights of persons with disability. This is because the policies are not enforced, and study participants reported experiencing disability-related discrimination and having no recourse.¹⁰⁸¹ Enabling factors for this state of affairs include lack of awareness among disabled persons and their families, lack of public awareness and ineffective enforcement of anti-discrimination laws. However, despite the fact that the findings of this study were generally consistent with previous studies conducted in different areas of the world, there are limitations to the generalizability of these results. This study has documented the experiences of nine disabled women accessing employment only in Jeddah and Riyadh. The sample size and gender were not representative of all disabled people, and the sample size was small. There are several regions, institutions and programmes for disabled persons in KSA. The results may differ depending on the geographic location. This research should be replicated with a much larger sample size and greater gender diversity in different regions, comprehensively in KSA, to ensure that the results are more accurate in the future.

A major cause is that the KSA perceives the treatment of disabled persons based on the charity and medical model, which does not sufficiently support comprehensive social protection for this group and is contrary to the goals of the *Convention on the Rights of Persons with Disabilities*.¹⁰⁸² This charity model has led to the establishment of charity organisations that assist disabled persons.¹⁰⁸³ While such charity organisations have in some ways improved the plight of disabled persons, they do not address the human rights issues facing disabled persons. Prejudice and negative social attitudes towards disabled persons remain prevalent in the KSA, and their human rights are not fully recognised.¹⁰⁸⁴ Conversely, the human rights model is also

¹⁰⁸¹ Dimity Jane Peter, Sarah Alem and Barbara Knabe, 'Reassessing Cultural Capital: Access to Employment for Women with Disabilities in Saudi Arabia' (2018) 37(3) *Equality, Diversity and Inclusion: An International Journal* 265, 265–82.

¹⁰⁸² Hashem N Alsharif, 'The Models of Disability in Saudi Arabia' (2019) 6(1) *Indonesian Journal of International and Comparative Law* 3.

¹⁰⁸³ Caroline Montagu, 'Civil Society and the Voluntary Sector in Saudi Arabia' (2010) 64(1) *Middle East Journal* 67.

¹⁰⁸⁴ United Nations Economic and Social Commission for Western Asia (n 35).

concerned about the plight of disabled persons¹⁰⁸⁵ but primarily focuses on the rights of disabled persons to ensure their dignity is safeguarded.¹⁰⁸⁶ The social model of disability on which the human rights model is based has been crucial in advancing the human rights for disabled persons.¹⁰⁸⁷ This model posits that disability occurs due to how a society is structured, rather than an individual's impairment or difference;¹⁰⁸⁸ that is, disabled persons are not disabled by their underlying health conditions but by the environmental, social and economic barriers confronting them and society's attitudes towards them.¹⁰⁸⁹ As such, removing these obstacles is the best way to eliminate discrimination in society and improve disabled persons' lives.¹⁰⁹⁰ Western countries have enacted various anti-discrimination laws based on ideas anchored in the human rights model, with their enforcement mechanisms focused on rectifying discrimination based on sex, race and disability (eg, the *DDA* in Australia, *Equality Act 2010* in the UK and *ADA* in the USA).¹⁰⁹¹ Such Western legislation is comprehensive, including all the fundamental rights necessary for disabled persons to live normal lives;¹⁰⁹² identifies practical reasons for complications of disability rights and thus adopt appropriate principles of non-discrimination and distributive justice;¹⁰⁹³ and contains all relevant procedures, standards, remedies and mechanisms for law enforcement, thereby linking theory to practice.¹⁰⁹⁴

¹⁰⁸⁵ Theresia Degener, 'A Human Rights Model of Disability' in Peter Blanck and Eilionóir Flynn (eds), *Routledge Handbook of Disability Law and Human Rights* (1st ed, Routledge, 2014) 1, 1–30.

¹⁰⁸⁶ Degener (n 19).

¹⁰⁸⁷ Dan Goodley, 'Who is Disabled? Exploring the Scope of the Social Model of Disability' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (2nd ed, SAGE, 2004) 118.

¹⁰⁸⁸ *Ibid.*

¹⁰⁸⁹ *Ibid.*

¹⁰⁹⁰ *Ibid.* See also Frances Hasler, 'Developments in the Disabled People's Movement' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (1st ed, SAGE, 1993) 278.

¹⁰⁹¹ David Bell and Axel Heitmueller, 'The Disability Discrimination Act in the UK: Helping or Hindering Employment Among the Disabled' (2009) 28(2) *Journal of Health Economics* 465, 465–80; Alsaif, (n 751).

¹⁰⁹² Bonnie P Tucker, 'Overview of the Disability Discrimination Act and Comparison with the Americans with Disabilities Act' (1994) 3 *Australian Disability Review* 23, 23–37.

¹⁰⁹³ Tim Murray, 'Disability Discrimination in the Workplace: When Choice of Jurisdiction Matters' (2018) 38(2) *Proctor* 20.

¹⁰⁹⁴ Melinda Knight, 'Accessibility and Disability: Absent Keywords in Business and Professional Communication' (2018) 81(1) *Business and Professional Communication Quarterly* 20, 20–33.

Additionally, it attempts to satisfy international human rights requirements, especially equal opportunities standards for disabled persons,¹⁰⁹⁵ and is continually updated.¹⁰⁹⁶

Accordingly, it is important that States Parties adopt a human rights-based model of disability and implement cross-sectoral strategies to guarantee that all legislation, policies, services, and resources are aimed at the fullest possible inclusion of disabled persons. *It is thus recommended for the KSA to work towards adopting and supporting the human rights model of disability both legislatively and socially to improve and fulfil human rights obligations for disabled persons.* The human rights model provides a detailed guideline for the development of law and policy consistent with human rights, and systems and frameworks for monitoring progress. The social model supports disability politics focused on enhancing social freedom in contexts that are not based on human rights.¹⁰⁹⁷ While the approaches are complementary, there needs to be clarity about the roles of the two models and the relationship between for future human rights and disability discourse.¹⁰⁹⁸ Both the social and the human rights models of disability policy have many similarities. They were shaped by the resistance of disabled people and their allies to oppressive and excluding social and political systems and practises, and they make that resistance possible. Therefore, they both work towards the same overarching goal, but in distinct ways that are consistent with the key differences that exist between the models. However, some studies have shown that the human rights model is less flexible and has a narrower scope than the social model. This indicates that the social model will enable resistance to disabling systems and practises for disabled persons in certain contexts where the human rights model does not work. Anchoring legislation in the human rights model, as has been done in several Western countries, ensures the fundamental aims and methods for enforcement of anti-disability discrimination law are clearly expressed. Socially, there should be more awareness of the values of disability rights in terms of equal respect, justice and human dignity,

¹⁰⁹⁵ Michael Palmer and Jenny Williams, 'Are Employment Protection Laws for Persons with Disabilities Effective in a Developing Country?' (Economics Discussion/Working Papers 20–22, Department of Economics, The University of Western Australia, 2021).

¹⁰⁹⁶ Neil Crowther and Liz Sayce, 'Was Ratification of the CRPD the High Watermark for United Kingdom Disability Rights? Ten Years of Monitoring Implementation of the CRPD' in Emily Julia Kakoullis and Kelley Johnson (eds), *Recognising Human Rights in Different Cultural Contexts* (Palgrave Macmillan, 2020) 297, 297–332.

¹⁰⁹⁷ Maria Berghs et al, 'Do Disabled People Need a Stronger Social Model: A Social Model of Human Rights?' (2019) 34(7–8) *Disability & Society* 1034, 1034–9; Mamo Retief and Rantsoa Letsosa, 'Models of Disability: A Brief Overview' (2018) 74(1) *HTS Theological Studies* a4738.

¹⁰⁹⁸ Anna Lawson and Angharad E Beckett, 'The Social and Human Rights Models of Disability: Towards a Complementarity Thesis' (2021) 25(2) *The International Journal of Human Rights* 348, 348–79.

rather than charity.¹⁰⁹⁹ Increasing awareness of disabled persons' rights should be emphasised at the family level and throughout society.¹¹⁰⁰ Disabled persons should be perceived as a potential social resource rather than victims of circumstances and people of lesser value.

7.5 Improving the Right to Equal Justice and Security of Disabled Persons: Developing a Complaints System and Legal Service

A complaints system involves the process of gathering, managing, reacting to and reporting grievances as raised by a person, an organisation, or any other group.¹¹⁰¹ This process requires a well-organised approach and constant evaluation to ensure effective resolutions.¹¹⁰² The KSA does not have a detailed and effective compliant system to facilitate disabled persons raising their concerns and reporting incidents of violations of their rights.¹¹⁰³ There are instances where disabled persons do not have an opportunity or avenue to voice such complaints.¹¹⁰⁴

This indicates a violation of the KSA human rights obligations under the *CRPD*, as most disabled persons cannot take any action against such violations.¹¹⁰⁵ Not only are the rights of disabled persons overlooked, but in most environments—schools, workplaces, public areas, etc—disabled persons are perceived as not having the right to complain¹¹⁰⁶—a highly inappropriate perspective. A complaints systems is necessary for close monitoring of the rights of disabled persons to help improve their rights and privileges.¹¹⁰⁷ When disabled persons in

¹⁰⁹⁹ Alsalem (n 284).

¹¹⁰⁰ Dalia Alkhoul, 'Awareness Group for Parents of Children with Disability—Availability and Benefits in Saudi Arabia' (2021) 4(1) *Middle East Journal for Scientific Publishing* 1.

¹¹⁰¹ FY Ahmed et al, 'Develop Attendance Management System with Feedback and Complaint Management Function' in *2019 IEEE 7th Conference on Systems, Process and Control (ICSPC)* (IEEE, 2019) 248, 248–52.

¹¹⁰² Osman Nasr and Enayat Alkhider, 'Online Complaint Management System' (2015) 2(5) *International Journal of Innovative Science, Engineering & Technology* 305.

¹¹⁰³ Alsaif (n 1091).

¹¹⁰⁴ Yousef (n 1057).

¹¹⁰⁵ MOA Al Rub and FASA Al Ahmed, 'Problems that Women with Disabilities Encounter Compared to Non-Disabled Ones in Kingdom of Saudi Arabia' (2014) 11(7) *Life Science Journal* <<https://disability-hub.com/publications/problems-that-women-with-disabilities-encounter-compared-to-non-disabled-ones-in-kingdom-of-saudi-arabia/>>.

¹¹⁰⁶ M Mansour, 'Employers' Attitudes and Concerns about the Employment of Disabled People' (2009) 5(4) *International Review of Business Research Papers* 209, 209–18.

¹¹⁰⁷ Mustafa (n 1075).

the KSA feel unsatisfied about any service provided, there is no legislative authority to review disability-related complaints or disputes that arise between individuals and business organisations or government entities, such as an ombudsman.¹¹⁰⁸ A complaints system is essential to ensure that such issues are effectively addressed.

In Australia, every government-provided or government-funded disability sector organisation has an operational complaints system via which affected people can easily share their complaints with the relevant offices.¹¹⁰⁹ The NDIS is a national program that provides support for disabled persons. The program also facilitates eligible disabled persons to access their legal rights in Australia so that their reasonable and necessary needs are met.¹¹¹⁰ The latest available statistics from the National Disability Insurance Agency (NDIA) showed that there were more than 412,000 participants in the scheme in 2020, with over 17,000 providers registered to provide support.¹¹¹¹ The NDIA works collaboratively with the Australian Government to optimise best practice for effective and accessible complaints processes. This creates and promotes traceable pathways for consumer complaints.¹¹¹² However, the NDIS implementation has been difficult, and it is clear that the pressure of rolling out the scheme throughout Australia has had a direct impact on the NDIA's ability to provide a consistent, effective, and high-quality service delivery offering.¹¹¹³ The NDIS is supported by all levels of the Australian government and Australian society.¹¹¹⁴ Disabled persons have reported frustration with the NDIA's administration of the NDIS.¹¹¹⁵ They have reported poor experiences with NDIA staff and its partners in the community, particularly in regards to transparency, consistency, and speed of

¹¹⁰⁸ BD Alnefaie, 'The UK Public Sector Ombudsmen: A Doctoral and Socio-legal Analysis on the Possibility of Transplanting an Ombudsman into Saudi Arabia Inspired by the UK Model' (PhD Dissertation, University of Glasgow, 2022).

¹¹⁰⁹ Disability Services Commission, 'How to Have Your Say: A Guide to Making a Complaint about Services for People with Disability' (Web Page, Disability Services Australia, 2015)
<http://www.disability.wa.gov.au/Global/Publications/About%20us/Complaints/CL_HOW_TO_HAVE_YOUR_SAY_BROCHURE_2015.pdf>.

¹¹¹⁰ Mhairi Cowden and Claire McCullagh, 'What is the NDIS?' in Mhairi Cowden and Claire McCullagh (eds), *The National Disability Insurance Scheme* (Palgrave Macmillan, 2021) 53, 53–78.

¹¹¹¹ Sue Olney and Helen Dickinson, 'Australia's New National Disability Insurance Scheme: Implications for Policy and Practice' (2019) 2(3) *Policy Design and Practice* 275, 275–90.

¹¹¹² Keran Howe and Jen Hargrave, 'Inquiry into a NDIS Quality Safeguards Framework' (Submission to DSS on behalf of the Disability Reform Council and COAG, Women with Disabilities Victoria, 2015)
<https://www.wdv.org.au/documents/NDIS_Safeguards_2015_WDV.pdf>.

¹¹¹³ David Tune, *Review of the National Disability Insurance Scheme Act 2013* (Report, December 2019).

¹¹¹⁴ *Ibid.*

¹¹¹⁵ Tune (n 1113).

decision-making. There is a lack of maturity in the NDIA.¹¹¹⁶ The existing information and communication technology system has significant limitations, and many of its enabling systems are being developed.¹¹¹⁷ Appropriate workflow management tools have not yet been fully deployed, and significant refinements to usability features are still in progress.¹¹¹⁸ Additionally, considerable time is required to train NDIA staff to help understand and meet the needs of disabled persons.¹¹¹⁹

Government ombudsman services, like other ombudsman and conflict resolution services, are free to the public. They are a method of resolving conflicts outside of the legal system.¹¹²⁰ Australia has an allocated ombudsman for each state and territory and one for the Commonwealth of Australia. They are responsible for investigating complaints arising from government actions and decisions to determine whether any wrong, unjust, unlawful, discriminatory or unfair actions occurred.¹¹²¹ On the other hand, ombudsmen practices in Australia are independent and assist when a dispute arises between one party and government agencies.¹¹²² In addition, Ombudsman oversight functions include compliance auditing of government powers, child and disability protection, coordinating government programs targeting vulnerable communities, and investing police corruption cases.¹¹²³ Ombudsman services are a key pillar in the NDIS system especially on matters of complaints resolutions. The Ombudsman plays a major role in the complaints resolution since he/she can make inquiries and identify the underlying issue to determine how to address it. For the complaints that are not easily resolved, the Ombudsman can recommend for an Alternative Dispute Resolution (ADR) mechanism which is carried out by a neutral and independent party as agreed by them.¹¹²⁴ The Ombudsman cannot provide a quick solution to complex problems, the

¹¹¹⁶ Ibid

¹¹¹⁷ Ibid.

¹¹¹⁸ Ibid.

¹¹¹⁹ Ibid.

¹¹²⁰ John McMillan, 'The Ombudsman in Australia: Flourishing, Expanding, Diversifying, Innovating' in Marc Hertogh and Richard Kirkham (eds), *Research Handbook on the Ombudsman* (Edward Elgar Publishing, 2018).

¹¹²¹ Victoria Pearman, 'Concept of the Ombudsman' (Webinar, AORC/AOMA Facilitated Discussion, 30 March 2021)

<<https://www.theioi.org/downloads/9r7bc/AORC%20Webinar%20-%20Concept%20of%20the%20Ombudsman%20Victoria%20Pearman%20%28Bermuda%29.pdf>>.

¹¹²² Dennis Pearce, 'Ombudsman in Australia' in Roy Gregory and Philip Giddings (eds), *Righting Wrongs: The Ombudsman in Six Continents* (IOS Press, 2000) 93.

¹¹²³ Ibid.

¹¹²⁴ Carmel McGregor, 'Australian Small Business and Family Enterprise Ombudsman (ASBFEO)-Independent Review,' (2021).

complainant has no control over the investigation (the Ombudsman does not represent the complainant specifically and can refuse to deal with a specific matter), decisions are not binding, and the Commonwealth Ombudsman can only offer an investigation (i.e., no conciliation).¹¹²⁵

As previously noted, there is no national agency in the KSA for disabled persons to lodge complaints,¹¹²⁶ no legislative authority to investigate claims of disabled persons being treated unfairly by private organisations or government,¹¹²⁷ and the only recourse is the court system, which is expensive, time consuming and emotionally taxing.¹¹²⁸ Accordingly, the Australian complaint system is mentioned as an example. Even though the Australian complaint system has problems and isn't perfect, the strengths of that system could be used to create the KSA complaint system. Therefore, ***this thesis recommends that the KSA Government implement a complaints system for disabled persons with some consideration of good aspects the Australian complaint system*** and other successful complaints systems in the other countries.¹¹²⁹ The complaint reporting procedure begins with providing the opportunity to disabled persons to report any form of violation of their rights to the authorised agency. Lodging complaints should be entirely free. The authorised agency would investigate reports and make appropriate recommendations to address them. The complaints system would be a crucial avenue for disabled persons to voice concerns (exploitation, sexual harassment, discrimination, etc).¹¹³⁰ Furthermore, as part of a complaints system, ***the KSA Government should establish or empower government agency to be responsible for monitoring and enforcing the rights of disabled persons across the country***. This agency must have a presence in all the KSA provinces to monitor and ensure implementation, compliance with and

¹¹²⁵ Harijanti, Susi Dwi, 'Complaint Handling Systems In The Public Sector: A Comparative Analysis Between Indonesia and Australia' (2020) 1(3) *Indonesian Comparative Law Review* 20, 24.

¹¹²⁶ Alsaif (n 1091).

¹¹²⁷ Alnefaie (n 1108).

¹¹²⁸ A Altawyan, 'The Tax and Zakat Appeal System in the Kingdom of Saudi Arabia: An Overview' (2020) 82 *Journal Sharia & Law* 9 <https://scholarworks.uaeu.ac.ae/sharia_and_law/vol2020/iss82/9>.

¹¹²⁹ Simon Darcy, '“But I can do the Job”: Examining Disability Employment Practice through Human Rights Complaint Cases' (2016) 31(9) *Disability & Society* 1242.

¹¹³⁰ United Nations Committee on the Rights of the Persons with Disabilities Releases Concluding Observations on the Initial Report of Saudi Arabia', *Americans for Democracy & Human Rights in Bahrain* (Web Page, 26 April 2019) <<https://www.adhrb.org/2019/04/united-nations-committee-on-the-rights-of-the-persons-with-disabilities-releases-concluding-observations-on-the-initial-report-of-saudi-arabia/>>

enforcement of disability rights legislation.¹¹³¹ The agency would also need to be empowered to develop strategies and make recommendations for policy to promote and protect the rights of disabled persons. The agency must be backed by appropriate legislation to ensure its activities are supported by the relevant authorities.¹¹³² The agency would file complaints on the different forms of discrimination against disabled persons according to a developed system. The agency would operate under the Ministry of Social Services in collaboration with the Legal Affairs department within that ministry.¹¹³³ As one of its first acts, the agency should review the status of the implementation of existing legislative provisions and regulations pertaining to the rights of disabled persons in the KSA. Importantly, the agency must be adequately funded to undertake the above roles.

7.6 Summary of chapter 7

This chapter has provided recommendations for the KSA Government to protect and promote the rights of disabled persons, as this population group continues to face discrimination and unfair treatment. Based on the presented research and discussions in prior chapters, this thesis recommended the following:

- prior to investing on a large scale in telemedicine in KSA, telemedicine accessibility should be addressed (see Section 7.1.1)
- specialty-specific telehealth practice guides be developed by experts for use by medical rehabilitation practitioners (see Section 7.1.2)
- effective oral health education programs must be available to caregivers, along with oral health promotion (see Section 7.1.3)
- the MOE, higher education institutions and teacher education institutions in the KSA identify and implement effective methods of preparing trainee teachers to support and implement inclusive education (see Section 7.2)
- the KSA government urges to develop an employment model that will enable, assist, and support disabled people in finding and maintaining typical employment opportunities,

¹¹³¹ 'What are the Main Efforts Undertaken to Promote and Protect the Rights of Persons with Disabilities?', *Kingdom of Saudi Arabia Human Rights Commission* (Web Page, 2021) <<https://hrc.gov.sa/en-us/HumanRightsInSaudi/Pages/disability.aspx>>.

¹¹³² Eilionóir Flynn, 'Making Human Rights Meaningful for People with Disabilities: Advocacy, Access to Justice and Equality Before the Law' (2013) 17(4) *International Journal of Human Rights* 491.

¹¹³³ *Ibid* 495.

and thus support employers' efforts to hire disabled people while considering the advantageous characteristics of the Australian employment system for disabled persons. (see Section 7.3)

- the KSA government officials progress measures to achieve an accessible built environment through effective enforcement of the existing Saudi Building Code of 2018, addressing negative societal attitudes towards disabled persons, and educating the general public on laws and regulations relating to the accessibility of public transportation networks and buildings (see Section 7.4.1)
- the KSA should work towards adopting and supporting the human rights model of disability both legislatively and socially to improve and fulfil human rights obligations for disabled persons (see Section 7.4.2)
- the KSA Government implement a complaints system for disabled persons with some consideration of good aspects the Australian complaint system (see Section 7.5)
- the KSA Government should establish or empower government agency to be responsible for monitoring and enforcing the rights of disabled persons across the country (see Section 7.5).

By implementing these recommendations, the KSA can continue to move towards achieving a truly equal and humane society.

CHAPTER 8 - CONCLUSION

The primary aim of the thesis was to examine the treatment of disabled persons in the KSA and the analysis of how their rights can be protected. It is important to protect the rights of disabled persons because they are entitled to equal treatment and freedoms similar to other people. The protection of the rights to disabled persons is beneficial to them and their families because it enables them to have full and effective participation in the society on an equal basis with other people, and also enhance full enjoyment of all human rights and freedoms without discrimination. The KSA has several laws that are focused on supporting rehabilitation, employment, vocational training, and the health of disabled persons. However, despite the laws, their impact in protecting human rights of disabled persons has not been felt, due to the violation of the same rights being protected. The KSA falls short of ensuring that persons with disabilities are fully protected and can enjoy their human rights and freedoms as guaranteed in the Saudi Arabian laws and statutes.

The KSA has a tradition of approaching the issue of disabled persons based on the charity model which does not provide comprehensive social rights protections for this population. The society perceives disabled persons as people who lack capacity to live independent lives. This influences how disabled persons are treated which may eventually result in discrimination, exclusion, and other challenges. The model has also been instrumental in establishing most of the charity organizations in Saudi Arabia which help disabled persons. The organizations play a role in improving some of the services offered to disabled persons, though they fail to address the human rights issues as faced by the population group. There have been some cases of prejudice and negative social attitudes towards persons with disabilities in the KSA, which raises concern about the recognition of their human rights. Applying the human rights model in Saudi Arabia would help in ensuring that the dignity of disabled persons is safeguarded. There are signs that KSA is evolving from the charity model to a more modern approach to disability support.

On its part, the social model of disability helps in protecting the human rights of disabled persons. The disabled persons should be perceived based on environmental, social, economic barriers and societal attitudes, and not their underlying health conditions. It is necessary to address the barriers to help eliminate discrimination and improve the experiences of disabled persons in society. Some of the attempts to address the aforementioned challenge lies in enacting laws that focus on rectifying discrimination based on sex, race and disability, though

this has not been the case in the KSA. The implementation of the human rights model in the KSA would help in developing laws and policies that align with human rights as well as systems and frameworks to monitor its progress.

It is also necessary to create awareness on the rights of disabled persons and also the need to instil equal respect, justice, and human dignity rather than focusing much on charity initiatives. Persons with disabilities are potential social resources rather than victims of circumstances and people perceived to be of lesser value than others. Some recommendations have been made to help the Kingdom of Saudi Arabia to promote and protect the rights of disabled persons based on the human-rights approach. The recommendations such as; providing accessible built environment, vocational training and job enhancement, medical rehabilitation, community based rehabilitation programs, providing equal employment opportunities for all, education, social support programs, addressing negative attitudes towards persons with disability and creating awareness to the public on how to accommodate persons with disability in the society; are important steps towards promoting the rights of disabled persons.

A review of literature has established that, the international human rights regime has made significant commitment in protecting the rights of disabled persons based on the established human rights agreements and regulations. There are several regulations in place (such as the CRPD), but it depends on the individual countries to ratify them. CRPD seeks to promote, protect, and also ensure equal enjoyment of human rights as well as freedoms and also respect for the dignity of disabled persons. With such commitments by the UN, the international regime has made significant contributions in ensuring the respect for human rights for disabled persons. On the other hand, individual states/ countries have the ultimate responsibility for ensuring that the rights of all their citizens including disabled persons are protected and safeguarded. The KSA government should take up the blame when disabled persons within its jurisdiction are harassed, discriminated against, denied justice, or even exploited by any means. Despite there being several regulations on matters pertaining to persons with disabilities in KSA, the sole responsibility of implementing them lies with the government and its citizens.

The culture of Saudi Arabia people has not been favourable to persons with disabilities. Hence, the government ought to focus on public awareness to ensure a paradigm shift for understanding disability by identifying the causes within the social domains. This would go a long way in understanding the conceptions as well as prejudices against persons with

disabilities within the Saudi societies. However, despite the shortcomings in regard to protecting the rights of persons with disabilities, there has been marked progress in accommodating them within the society and also initiating measures to achieve an accessible built environment (such as the Saudi building Code of 2018) and also to address the negative societal attitudes towards persons with disabilities. Such initiatives alongside the established laws and regulations will enhance the rights and protections for persons with disabilities.

The overall major debate on the effective protection of disabled person's rights lies in how best to address their plight without violating their rights and giving them equal opportunities. The best way to ensure effective protection of disabled person's rights is by giving equal opportunities and corresponding respect to disabled persons, which in turn grows a sense of confidence in them and a sense of belonging. Disabled persons should have access to resources that build capability to make them active contributors of the society rather than being perceived as special people who only require special attention. KSA has had a focus on rehabilitation centres for persons with disabilities, which is part of the methods to address the issue among many others. Integration would be more effective to ensure that members of society learn to live and interact with persons with disabilities in learning institutions, workplaces, public gatherings, health facilities, and other social places. Persons with disabilities should never feel as though they are receiving special attention from others since this would lower their self esteem and make them less active in contributing to societal growth. The KSA government should focus more on integrating the persons with disabilities into the society, workplaces, government offices and appointments, learning institutions and other places for them to feel recognized as equal members of the society. The protection of the human rights of persons with disabilities should not be limited to protecting them from harm and physical discrimination; but also to entitle them to civil, political, social, economic, and cultural rights on an equal basis with other people based on international treaties and statutes.

The KSA has made some attempts in matters of establishing the necessary safeguards and protections for persons with disabilities (as evident in Royal Decrees No. 1219 & M/21), which largely address the 'hardware aspects'. There is more to do in protecting the human rights of disabled persons including changing the public's perceptions and attitudes towards persons with disabilities. Everybody should be treated equally regardless of their social status, level of education, nature of disability, religion, race, and all other differentiating elements among people. The initiatives towards promoting and protecting the rights of disabled persons

in the KSA will eventually result to a change in the way persons with disability are treated in Saudi Arabia.

The care, support, and welfare of disabled persons in the KSA have taken a positive trajectory due to the need to implement the CRPD treaty and also internal mechanisms to promote the rights of this population group. The KSA has been criticised in the past for its violations of the human rights of persons with disabilities. However, there have been increased efforts in promoting and protecting their rights in the country in line with the Convention on Rights of People with Disabilities in areas of health, education, employment, living standards, social protection, rehabilitation, equal justice and security. The KSA government is committed to promoting and protecting the rights of disabled persons in the country. However, the anticipated changes may not be felt immediately due to various issues to be addressed in connection with policies and regulations related to the human rights of persons with disabilities. Issues on inclusivity, public awareness, enacting appropriate disability-related legislation, and also establishing functional complaint reporting mechanisms for violations are top priorities for the government. As such, the KSA will eventually change for the better and persons with disabilities will enjoy their human rights without being subjected to discrimination and violation.

The KSA is established on the Islamic laws which affirm the commitment towards care, support, and welfare of all people including persons with disabilities. As such, despite the challenges experienced in this regime's human rights space, Saudi Arabia can have a well managed human rights system if the proposed recommendations are implemented. The global perception in regard to matters of human rights in the KSA has been negative, but change is imminent. There have been challenges in assessing the adequacy of services carried out in the KSA to promote the rights and protections of persons with disabilities, which results in negative reporting on the issue. Also, there lacks adequate studies that review the services offered to disabled persons in the KSA. This thesis recommends the need for an effective assessment of the government programmes focused on promoting the rights of persons with disabilities to ensure that all the efforts made and actions taken are identified. The process is gradual, and having learned from other countries, the KSA will establish a human rights model that safeguards the rights of disabled persons on equal basis with other people.

As such, despite the shortcomings of the human rights protection regime, it is by far one of the best ways of promoting and protecting human rights of disabled persons. The regime

asserts that disabled persons should enjoy their entitled rights without prejudice and unfair treatment from the other people. This should be the endeavour for the KSA government to ensure that the human rights of disabled persons are protected and promoted accordingly. Future studies in this topic should review the status of implementation of the various laws and regulations regarding persons with disabilities in the KSA and also their impact in protecting the human rights of disabled persons.

8.1 Theoretical Contribution of the Study

The aim of this research was to comprehensively evaluate human rights issues confronting disabled persons in the KSA. This study has made a considerable contribution to the existing literature in this research area in the following respects.

1. It provides an updated knowledge of laws and regulations relating to disabled persons in the KSA. While previous studies have looked at the laws and legislation in the KSA, this study adds to them by exclusively analysing current laws and legislations in the KSA to identify those with relevance to disabled persons in the country.
2. It extends existing knowledge by exploring how disabled persons' rights are being implemented under the disability laws and regulations operating in the KSA. Previous research has not fully investigated how the KSA government is implementing relevant laws and legislation towards promoting and protecting the rights of disabled persons in the country. This study has attempted to address this gap in the body of knowledge.
3. This study contributes to the existing knowledge in this area by examining the human rights of disabled persons. This research not only identifies the conventional rights that disabled persons are entitled to but also examines how the rights of disabled persons have developed from the 1948 Universal Declaration of Human Rights (Universal Declaration) and Genocide Convention to the CRPD.
4. This study has charted a new direction that the KSA government can take towards promoting and protecting the rights of their disabled citizens. The suggestions proposed in this study are based on an exhaustive review of current issues regarding the perception and treatment of disabled persons in the KSA, after drawing comparisons with other nations.

5. This study's findings offer rare opportunities for policy makers in the KSA to have a better understanding of issues impacting negatively on the ability of disabled persons in the country to enjoy their entitled rights without discrimination and being made to undergo unfair treatment.

8.2 Research Limitations and Directions for Future Studies

Although a comprehensive review of the existing literature including laws, legislations, and policies relevant to disabled persons around the world and in the KSA has been conducted, nonetheless, some gaps remain in this study that must be addressed in future studies in this research field.

First, it should be noted that this study was based entirely on a literature review with limited resources identified. It is possible that the extent of unfair treatments of disabled persons in the KSA might not have been captured in these examined studies. A primary study in which data are collected from disabled persons themselves and members of their families could have revealed more information about human right abuses confronting disabled persons in the KSA in a way other than those reported in existing studies. Further studies could investigate first hand experiences of disabled persons and their families so that it can be compared to the details obtained in the current studies.

Second, this study was focused on the KSA and information gathered and recommendations generated as a result may not be entirely relevant to other countries. Considering that human right abuses of disabled persons are not only limited to the KSA, but it would also be beneficial to collect primary data from multiple countries and compare this with experiences in the KSA.

Third, suggestions provided in this study were based on the outcome of the extensive review of literature examined by the student. It would be more desirable if these recommendations could also be obtained from disabled persons and their families, as they have a better understanding of issues facing than might have been captured in the literature. Interviewing them to obtain their opinions about what government should do in the KSA to promote and protect their rights could yield better suggestions than those proposed in this study.

Considering the limitations associated with this study, there is need for further studies to be conducted in this area to further an understanding of problems facing disabled persons in accessing equal rights on an equal basis with other members of public in the KSA and

elsewhere in the world. Consequently, the following recommendations for future research in this area are presented below:

- a) Data-driven studies are scarce in this research area. Research based on primary data is needed to improve understanding of human right abuses facing disabled persons in the KSA and to propose more practical strategies to address these problems and uphold the rights of this population group not only in the KSA but globally. A well-designed research program that includes in-depth interviews with disabled persons and their families from different countries around the world about human right issues affecting them is suggested to broaden knowledge of this research problem.
- b) Future studies can also be based on a mixed research methodology. For example, a study combining qualitative and quantitative methods of data collection can provide more comprehensive analysis of this problem and assist in preparing the ground for developing more valuable suggestions for the KSA government towards continuous improvement of the way disabled persons' rights are perceived and promoted in the country.
- c) Lastly, large comparative studies in which the experiences of disabled persons and their families in the KSA regarding the promotion and protection of their rights based on primary data collected from those persons, are compared with other countries would enhance the understanding of this topic.

8.3 Summary of Chapter 8

This concluding chapter summarises the main findings of this thesis. The theoretical contributions of the study to the current literature in the research area are also presented. The limitations of this thesis, especially concerning the absence of primary data collection, are discussed in this chapter. Lastly, the recommendations for future studies towards advancing this area are provided.

BIBLIOGRAPHY

A. Articles/ Books/ Reports

- Abu Al-Ghaib, Ola, Karen Andrae and Rachel Gondwe, '*Still Left Behind: Pathways to Inclusive Education for Girls with Disabilities*' (Report, Leonard Cheshire Disability, 2017)
- Abu-Alghayth, Khalid Mohammed 'Instructional Collaboration in Saudi Inclusive and Mainstream Education' in SR Semon, D Lane and P Jones (eds), *Instructional Collaboration in International Inclusive Education Contexts* (Emerald Publishing Limited, 2021)
- Abullais, Shahabe Saquib, Falah Mohammed Falah Al-Shahrani, Khalaf Mohammed Saeed Al-Gafel, et al., 'The Knowledge, Attitude and Practices of the Caregivers about Oral Health Care, at Centers for Intellectually Disabled, in Southern Region of Saudi Arabia,' (2020) 8(4) *In Healthcare 416. Multidisciplinary Digital Publishing Institute*
- Adibi, Hossein, 'The Australian National Disability Insurance Scheme During COVID-19: The Case of People with Disabilities from Culturally and Linguistically Diverse Backgrounds' in Anastasius Mourtzoglou (ed), *Quality of Healthcare in the Aftermath of the COVID-19 Pandemic* (IGI Global, 2022)
- Adler, Michael, 'A Socio-Legal Approach to Administrative Justice' (2003) 25(4) *Law & Policy*
- Ahmad, Mahtab, 'Health Care Access and Barriers for the Physically Disabled in Rural Punjab, Pakistan' (2013) 33(3/4) *International Journal of Sociology and Social Policy*
- Ahmed, FY et al, 'Develop Attendance Management System with Feedback and Complaint Management Function' in *2019 IEEE 7th Conference on Systems, Process and Control (ICSPC)* (IEEE, 2019)
- Alyafei, Najat Abdrabbo and Bushra Naaz Fathima Jaleel, and Tintu Mathew, 'Knowledge, Attitude and Behavior Towards Oral Health Care Among Parents/Caregivers of Children with Disabilities in Qatar,' (2020) 5(10) *Medical & Clinical Research*
- Al Kuwaiti, Ahmed, Fahd Al Muhanna and Saad Al Amri, 'Implementation of Digital Health Technology at Academic Medical Centers in Saudi Arabia' (2018) 33(5) *Oman Medical Journal*

Al Rub, MOA and FASA Al Ahmed, 'Problems that Women with Disabilities Encounter Compared to Non-Disabled Ones in Kingdom of Saudi Arabia' (2014) 11(7) *Life Science Journal* <<https://disability-hub.com/publications/problems-that-women-with-disabilities-encounter-compared-to-non-disabled-ones-in-kingdom-of-saudi-arabia/>>

Al-Ahmadi, Hanan, 'Challenges Facing Women Leaders in Saudi Arabia' (2011) 14(2) *Human Resource Development International*

Alamoudi, Najlaa et al, 'Dentists' Perception of the Care of Patients with Special Health Care Needs in Jeddah, Saudi Arabia' (2017) 5(3) *Journal of Oral Hygiene Health*

Alanazi, Adel S, 'The Difficulties Witnessed by People with Intellectual Disability in Transition to Work in Saudi Arabia' (2018) 12(4) *International Journal of Educational and Pedagogical Sciences*

Alanazi, Adel, 'The Perceptions of Individuals with Intellectual Disability Toward Workplace Environment and Practices' (2022) *Ankara Üniversitesi Eğitim Bilimleri Fakültesi Özel Eğitim Dergisi*[*Ankara University Faculty of Educational Sciences Journal of Special Education*]¹ <<http://dx.doi.org/10.21565/ozelegitimdergisi.776646>>

Al-Aoufi, Hiam, Nawaf Al-Zyoud and Norbayah Shahminan, 'Islam and the Cultural Conceptualisation of Disability' (2012) 17(4) *International Journal of Adolescence and Youth*

Alasiri, Ahmed Ali, and Viqaruddin Mohammed. "Healthcare Transformation in Saudi Arabia: An Overview Since the Launch of Vision 2030." *Health Services Insights* 15 (2022)

Aldabas, Rashed, 'Special Education in Saudi Arabia: History and Areas for Reform' (2015) 6(11) *Creative Education*

Aldosari, Mubarak S and Lisa A Pufpaff, 'Sources of Stress Among Parents of Children with Intellectual Disabilities: A Preliminary Investigation in Saudi Arabia' (2014) 3(1) *Journal of Special Education Apprenticeship*

AlDossary, RN, 'The Saudi Arabian 2030 Vision and the Nursing Profession: The Way Forward' (2018) 65(4) *International Nursing Review Journal*

Aleisa, Einas et al, 'Rehabilitation Services in Saudi Arabia: An Overview of Its Current Structure and Future Challenges' (2014) 2(6) *Journal of General Practice*

- Al-Eithan, Muwafak H, Asirvatham A Robert and Aman H Al-Saeed, 'Mood Problems of Mothers with Disabled Children in Saudi Arabia' (2010) 31(10) *Saudi Medical Journal*
- Aley, Robert, 'An Assessment of the Social, Cultural and Institutional Factors that Contributeto the Sexual Abuse of Persons with Disabilities in East Africa' (Research Report, Advantage Africa, November 2016)
- Al-Gain, Salah I, and Sami S Al-Abdulwahab, 'Issues and Obstacles in Disability Research in Saudi Arabia' (2002) 13(1) *Asia Pacific Disability Rehabilitation Journal*
- Alghamdi, Bader et al, 'Key Performance Indicators for Measuring Sustainable Performance: A Case Study of Implementing Saudi Arabia's Vision 2030 Strategy' (2021) *Performance Improvement Quarterly*
- Alharbi, Abdallelh and Abdullah Madhesh, 'Inclusive Education and Policy in Saudi Arabia' (2018) 6(1) *International Journal of Education Research and Reviews*
- Alharti, Nora and David Evans, 'Special Education Teachers' Attitudes Towards Teaching Students with Learning Disabilities in Middle Schools in Saudi Arabia' (2017) 1(1) *International Journal of Modern Education Studies*
<<http://dx.doi.org/10.51383/ijonmes.2017.13>>
- Alhazmi, Fahad, 'A Critical Review of Healthcare Human Resource Development: A Saudization Perspective' (2021) 13(12) *Health Journal*
- Ali, Mohammad et al, 'What Types of Jobs do People with Disabilities Want?' (2011) 21(2) *Journal of Occupational Rehabilitation*
- Al-Jadid, Maher S, 'Disability in Saudi Arabia' (2013) 34(5) *Saudi Medical Journal*
- Al-Jadid, Maher Saad, 'Disability Trends in Saudi Arabia: Prevalence and Causes' (2014) 93(1) *American Journal of Physical Medicine & Rehabilitation*
- Al-Jarbou, Ayoub M, 'Judicial Independence: Case Study of Saudi Arabia' (2004) 19 *Arab Law Quarterly* 5
- Alkawai, Fatimah Mohammed Ali and Abdullah Saad Alowayyed, 'Barriers in Accessing Care Services for Physically Disabled in a Hospital Setting in Riyadh, Saudi Arabia, Cross-Sectional Study' (2017) 7(2) *Journal of Community Hospital Internal Medicine Perspectives*

Al-Khalifa, Khalifa S, and AmalAlfaraj, 'Oral Health Awareness and Practices of Special Needs Caregivers in Qatif, Saudi Arabia,' (2021) 22(9) Shiraz E-Medical Journal

Alkhouli, Dalia, 'Awareness Group for Parents of Children with Disability–Availability and Benefits in Saudi Arabia' (2021) 4(1) *Middle East Journal for Scientific Publishing*

Al-Kibsi, Gassan et al, '*Saudi Arabia Beyond Oil: The Investment and Productivity Transformation* (Report, McKinsey Global Institute, December 2015)

Allas, Tera et al, '*Delivering for Citizens: How to Triple the Success Rate of Government Transformations*' (Report, McKinsey Center for Government, 2018)

Almalki, Mohammed, Gerard FitzGerald and Michele Clark, 'Health Care System in Saudi Arabia: An Overview' (2011) 17(10) *Eastern Mediterranean Health Journal*

Alnahdi, Ghaleb, 'Factors Influencing the Decision to Major in Special Education in Saudi Arabia' (2020) 40(2) *South African Journal of Education*

Alnefaie, BD, 'The UK Public Sector Ombudsmen: A Doctoral and Socio-legal Analysis on the Possibility of Transplanting an Ombudsman into Saudi Arabia Inspired by the UK Model' (PhD Dissertation, University of Glasgow, 2022)

Al-Odaib, Ali and Sultan Al-Sedairy, 'An Overview of the Prince Salman Center for Disability Research Scientific Outcomes' (2014) 35(1) *Saudi Medical Journal* S75

Alodhayani, Abdulaziz et al, 'Culture-Specific Observations in a Saudi Arabian Digital Home Health Care Program: Focus Group Discussions with Patients and Their Caregivers' (2021) 23(1) *Journal of Medical Internet Research*

Alqahtani, N., et al. "Assessment of the patients' awareness regarding their rights and responsibilities in the major governmental hospitals in Riyadh, Saudi Arabia." *Int J Med Dev Ctries* 3 (2019)

Al-Qahtani, Saad Masood, Pervez Abdul Razak, and Siraj DAA Khan, 'Knowledge and Practice of Preventive Measures for Oral Health Care Among Male Intermediate School Children in Abha, Saudi Arabia,' (2020) 17 (3) *International journal of environmental research and public health*

- Alquraini, Turki and Dianne Gut, 'Critical Components of Successful Inclusion of Students with Severe Disabilities: Literature Review' (2012) 27(1) *International Journal of Special Education*
- Alquraini, Turki, 'Special Education in Saudi Arabia: Challenges, Perspectives, Future Possibilities' (2010) 25(3) *International Journal of Special Education*
- Al-Ruithe, Majid, Elhadj Benkhelifa and Khawar Hameed, 'Key Issues for Embracing the Cloud Computing to Adopt a Digital Transformation: A Study of Saudi Public Sector' (2018) 130 *Procedia Computer Science*
- Al-Sakran, Hasan O and Mohammed A Alsudairi, 'Usability and Accessibility Assessment of Saudi Arabia Mobile E-Government Websites' (2021) 9(1) *IEEE Access*
- Alsalem, Majed A, 'Towards New Disability Paradigms: Generating Equality in Saudi Arabian Policy in Light of the Convention on the Rights of Persons with Disabilities' (2021) *International Journal of Disability, Development and Education*<<https://doi.org/10.1080/1034912X.2021.1980864>>
- Alsarawi, Aeshah, 'Inclusive Playgrounds: Concerted Efforts for Children with Disabilities in Saudi Arabia,' (2020) 9(4) *International Journal of Play*
- Alsharif, Hashem N, 'The Models of Disability in Saudi Arabia' (2019) 6(1) *Indonesian Journal of International and Comparative Law*
- AL-Shehri, Sharifa AM, 'Access to Dental Care for Persons with Disabilities in Saudi Arabia (Caregivers' perspective),' (2012) 13(2) *Journal of Disability and Oral Health*
- Al-Subaie, Abdullah S, AbdulHameed Al-Habeeb and Yasmin A Altwajri, 'Overview of the Saudi National Mental Health Survey' (2020) 29(3) *International Journal of Methods in Psychiatric Research*
- Altamimi, Ahmed, 'Special Education in Saudi Arabia: A Synthesis of Literature Written in English' (2015) 30(3) *International Journal of Special Education*
- Altawyan, A, 'The Tax and Zakat Appeal System in the Kingdom of Saudi Arabia: An Overview' (2020) 82 *Journal Sharia & Law*
<https://scholarworks.uaeu.ac.ae/sharia_and_law/vol2020/iss82/9>

Altınay, Fahriye et al, 'Development of Education Rights for Disabled Children in Northern Cyprus and Evaluation of Grants for Their Families' (2018) 52(2) *Quality & Quantity* S1267

Altman, Barbara, 'Disability Definitions, Models, Classification Schemes, and Applications' in Gary L Albrecht, Katherine D Seelman and Michael Bury (eds), *Handbook of Disability Studies* (Sage, 2001)

Alwashmi, Ahmad, 'Vocational Rehabilitation Awareness among Spinal Cord Injury Male Patients in Saudi Arabia: A Brief Communication' (2019) 11(1) *Cureuse*3886

Alzahrani, Abdullah Ali H, 'Parent Perspectives on Perceived Dental Pain and Dental Caries in Saudi School Children with Intellectual Disability,' (2019) 39(3) *Special Care in Dentistry*

Al-Zoubi, Suhail Mahmoud, 'Mainstreaming in Kingdom of Saudi Arabia: Obstacles Facing Learning Disabilities Resource Room' (2016) 6(1) *Journal of Studies in Education*

Anand, Priyanka and Purvi Sevak, 'The Role of Workplace Accommodations in the Employment of People with Disabilities' (2017) 6(1) *IZA Journal of Labor Policy*

Anderson, Elizabeth, 'Equality' in David Estlund (ed), *The Oxford Handbook of Political Philosophy* (Oxford University Press, 2012)

Anderson, Sian and Christine Bigby, 'Self-Advocacy as a Means to Positive Identities for People with Intellectual Disability: We Just Help Them, Be Them Really' (2017) 30(1) *Journal of Applied Research in Intellectual Disabilities*

Andrews, Erin E, 'Disability Models' in Maggi A Budd et al (eds), *Practical Psychology in Medical Rehabilitation* (Springer, 2017)

Andrews, Erin et al, 'Providing Culturally Competent Supervision to Trainees with Disabilities in Rehabilitation Settings' (2013) 58(3) *Rehabilitation Psychology*

Angen, Maureen, 'Evaluating Interpretive Inquiry: Reviewing the Validity Debate and Opening the Dialogue' (2000) 10(3) *Qualitative Health Research*

Armstrong, Megan, 'Interventions Utilising Contact with People with Disabilities to Improve Children's Attitudes Towards Disability: A Systematic Review and Meta-Analysis' (2017) 10(1) *Disability and Health Journal*

- Azhar, Nada, 'Disability Diversity Management: A Case Study of the Banking Sector in the KSA' (2014) 8(12) *International Journal of Social, Behavioural, Educational, Economic, Business and Industrial Engineering*
- Babik, Iryna and Elena Gardner, 'Factors Affecting the Perception of Disability: A Developmental Perspective' (2021) 12 *Frontiers in Psychology*
- Bachman, Sara S et al, 'Provider Perceptions of Their Capacity to Offer Accessible Health Care for People with Disabilities' (2006) 17(3) *Journal of Disability Policy Studies*
- Baciu, Elena-Loreni and Theofild-Andrei Lazar, 'Between Equality and Discrimination: Disabled Persons in Romania' (2017) 13(51) *Transylvanian Review of Administrative Sciences*
- Badu, Eric, Maxwell P Opoku and Seth CY Appiah, 'Attitudes of Health Service Providers: The Perspective of People with Disabilities in the Kumasi Metropolis of Ghana' (2016) 5(1) *African Journal of Disability*
- Badu, Eric, Peter Agyei-Baffour and Maxwell Peprah Opoku, 'Access Barriers to Health Care among People with Disabilities in the Kumasi Metropolis of Ghana' (2016) 5(2) *Canadian Journal of Disability Studies*
- Bagenstos, Samuel R, 'Comparative Disability Employment Law from an American Perspective' (2002) 24 *Comparative Labour Law & Policy*
- Bandar, Jannadi et al, 'Current Structure and Future Challenges for the Healthcare System in Saudi Arabia' (2008) 3(1) *Asia Pacific Journal of Health Management*
- Barclay, Linda, *Disability with Dignity: Justice, Human Rights and Equal Status* (Routledge, 2020)
- Barnes, Colin and Geof Mercer, 'Disability, Work, and Welfare: Challenging the Social Exclusion of Disabled People' (2005) 19(3) *Work, Employment and Society*
- Barnes, Colin, *Understanding the Social Model of Disability* (Routledge, 2019)
- Barney, Keith, 'Disability Simulations: Using the Social Model of Disability to Update an Experiential Educational Practice' (2012) 27(1) *SCHOLE: A Journal of Leisure Studies and Recreation Education*

- Battal, Zaed, 'Special Education in Saudi Arabia' (2016) 5(2) *International Journal of Technology and Inclusive Education*
- Bayles, Michael, 'Equal Human Rights and Employment for Mentally Retarded Persons' in Ronald S Laura and Adrian F Ashman (eds), *Moral Issues in Mental Retardation* (Routledge, 2018)
- Bazna, Maysaa and Tarek Hatab, 'Disability in the Qur'an: The Islamic Alternative to Defining, Viewing, and Relating to Disability' (2005) 9(1) *Journal of Religion, Disability & Health*
- Bell, David and Axel Heitmueller, 'The Disability Discrimination Act in the UK: Helping or Hindering Employment Among the Disabled' (2009) 28(2) *Journal of Health Economics* 465
- Berghs, Maria et al, 'Do Disabled People Need a Stronger Social Model: A Social Model of Human Rights?' (2019) 34(7–8) *Disability & Society*
- Bickenbach, Jerome, 'Disability, Culture and the UN Convention' (2009) 31(14) *Disability and Rehabilitation*
- Bickenbach, Jerome, 'From Manifesto to Action: Transforming the Aspiration of Disability Human Rights into Accountable Government Action' in John-Stewart Gordon, Johann-Christian Pöder and Burckhart Holger (eds), *Human Rights and Disability: Interdisciplinary Perspectives* (Routledge, 2017)
- Bickenbach, Jerome, 'Legal Dimensions of Disability Evaluation: Work Disability and Human Rights' in Reuben Escorpizo et al (eds), *Handbook of Vocational Rehabilitation and Disability Evaluation* (Springer, 2015)
- Bilal Aziz, 'Governance Facilitators and Challenges in the Implementation of the Health Financing Strategy in Tanzania 2019', Ifakara Health Institute (Retrieved from <<https://policycommons.net/artifacts/1783272/governance-facilitators-and-challenges-in-the-implementation-of-the-health-financing-strategy-in-tanzania-2019/2514918/>>)
- Bindawas, Saad and Vishal Venu, 'The National and Regional Prevalence Rates of Disability, Type, of Disability and Severity in Saudi Arabia—Analysis of 2016 Demographic Survey Data' (2018) 15(3) *International Journal of Environmental Research and Public Health*

Bingham, Cecilie et al, 'Towards a Social Model Approach? British and Dutch Disability Policies in the Health Sector Compared' (2013) 42(5) *Personnel Review* (2013)

Bonaccio, Silvia et al, 'The Participation of People with Disabilities in the Workplace across the Employment Cycle: Employer Concerns and Research Evidence' (2020) 35(2) *Journal of Business and Psychology*

Bonoli, Giuliano, *The Origins of Active Social Policy: Labour Market and Childcare Policies in a Comparative Perspective* (Oxford University Press, 2013)

Borg, Johan, Stig Larsson and Per-Olof Ostergren, 'The Right to Assistive Technology: For Whom, for What, and by Whom?' (2011) 26(2) *Disability & Society*

Borsay, Anne, *Disability and Social Policy in Britain since 1750: A History of Exclusion*. (Palgrave Macmillan, 2005)

Bradney, Anthony, 'The Place of Empirical Legal Research in the Law School Curriculum' in Peter Cane and Herbert Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010)

Brandon, Toby and Gary Pritchard, 'Being Fat': A Conceptual Analysis Using Three Models of Disability' (2011) 26(1) *Disability & Society*

Brandsen, Taco, Trui Steen and Bram Verschuere, *Co-Production and Co-Creation: Engaging Citizens in Public Services* (Taylor & Francis, 2018)

Brems, Eva, 'Introduction: Rewriting Decisions from a Perspective of Human Rights Integration' in Eva Brems and Ellen Desmet (eds), *Integrated Human Rights in Practice Rewriting Human Rights Decisions* (Edward Elgar Publishing, 2017)

Brems, Eva, 'Should Pluriform Human Rights Become One? Exploring the Benefits of Human Rights Integration' (2014) 3 *European Journal of Human Rights*

Brems, Eva, Ellen Desmet and Wouter Vandenhole, 'Children's Rights Law and Human Rights Law: Analysing Present and Possible Future Interactions' in Eva Brems, Ellen Desmet and Wouter Vandenhole (eds), *Children's Rights Law in the Global Human Rights Landscape: Isolation, Inspiration, Integration* (Routledge, 2017)

Bronfenbrenner, Urie, *Making Human Beings Human: Bioecological Perspectives on Human Development* (Sage, 2005)

Brucker, Debra, 'Social Capital, Employment and Labour Force Participation among Persons with Disabilities' (2015) 43(1) *Journal of Vocational Rehabilitation*

Buckingham, Sarah A et al, 'Telerehabilitation for People with Physical Disabilities and Movement Impairment: A Survey of United Kingdom Practitioners' (2022) 3(1) *JMIRx Med* e30516

Bunning, Karen et al, 'The Perception of Disability by Community Groups: Stories of Local Understanding, Beliefs and Challenges in a Rural Part of Kenya' (2017) 12(8) *PLoS One* e0182214:1–20

Burns, Jonathan, 'Mental Health and Inequity: A Human Rights Approach to Inequality, Discrimination, and Mental Disability' (2009) 11(2) *Health & Human Rights*

Burton, Mandy, 'Doing Empirical Research: Exploring the Decision-Making of Magistrates and Juries' in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (Routledge, 2013)

Caballero, Susana (ed), *Dictionary of Statuses within EU Law*. Springer, Cham, 2019

Campbell, Jane and Mike Oliver, *Disability Politics: Understanding Our Past, Changing Our Future* (Routledge, 2013)

Campbell, Jennifer, Linda Gilmore and Monica Cuskelly, 'Changing Student Teachers' Attitudes Towards Disability and Inclusion' (2003) 28(4) *Journal of Intellectual and Developmental Disability*

Carey, Gemma et al, 'The Vexed Question of Market Stewardship in the Public Sector: Examining Equity and the Social Contract Through the Australian National Disability Insurance Scheme' (2018) 52(1) *Social Policy & Administration*

Carroll, Penelope et al, 'Enabling Participation for Disabled Young People: Study Protocol' (2018) 18(1) *BMC Public Health*

Certo, Nicholas J et al, 'Seamless Transition and Long-Term Support for Individuals with Severe Intellectual Disabilities' (2008) 33(3) *Research and Practice for Persons with Severe Disabilities*

- Chan, Jeffrey, 'Challenges to Realizing the Convention on the Rights of Persons with Disabilities (CRPD) in Australia for People with Intellectual Disability and Behaviours of Concern' (2016) 23(2) *Psychiatry, Psychology and Law*
- Chadwick, Darren, Melanie Chapman, and Gill Davies, 'Factors Affecting Access to Daily Oral and Dental Care Among Adults with Intellectual Disabilities,' (2018) 31(3) *Journal of Applied Research in Intellectual Disabilities*
- Chataika, Tsitsi et al, 'Access to education in Africa: Responding to the United Nations convention on the rights of persons with disabilities' (2012) 27(3) *Disability & Society* 385
- Chow, Pok Yin S, 'Has Intersectionality Reached Its Limits? Intersectionality in the UN Human Rights Treaty Body Practice and the Issue of Ambivalence' (2016) 16(3) *Human Rights Law Review*
- Clarke, Rachel, Kelly Camilleri and Lois Goding, 'What's in It for Me? The Meaning of Involvement in a Self-Advocacy Group for Six People with Intellectual Disabilities' (2015) 19(3) *Journal of Intellectual Disabilities*
- Coleman, Jules L and Brian Leiter. 'Legal Positivism' in Dennis Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (Wiley-Blackwell, 2nd ed, 2010)
- Coleridge, Peter, 'Disability in Afghanistan' (UNDP/UNOPS Comprehensive Disabled Afghans' Programme, 1999)
- Conry, Edward and Caryn Beck-Dudley, 'Meta-Jurisprudence: The Epistemology of Law' (1996) 33 *American Business Law Journal*
- Considine, Mark, Jenny M Lewis and Siobhan O'Sullivan, 'Quasi-Markets and Service Delivery Flexibility Following a Decade of Employment Assistance Reform in Australia' (2011) 40(4) *Journal of Social Policy*
- Considine, Mark, Phuc Nguyen and Siobhan O'Sullivan, 'New Public Management and the Rule of Economic Incentives: Australian Welfare-to-Work from Job Market Signalling Perspective' (2018) 20(8) *Public Management Review*
- Coomans, Fons, Fred Grünfeld, and Menno T Kamminga (eds), *Methods of Human Rights Research* (Intersentia, 2009)

- Corcoran, Tim, Julie White and Ben Whitburn (eds), *Disability Studies: Educating for Inclusion* (Springer, 2015)
- Cottrell, Michelle A et al, 'Patients are Willing to Use Telehealth for the Multidisciplinary Management of Chronic Musculoskeletal Conditions: A Cross-Sectional Survey' (2018) 24(7) *Journal of Telemedicine and Telecare*
- Cowden, Mhairi and Claire McCullagh, 'What is the NDIS?' in Mhairi Cowden and Claire McCullagh (eds), *The National Disability Insurance Scheme* (Palgrave Macmillan, 2021)
- Crossley, Thomas F., and Federico Zilio. "The health benefits of a targeted cash transfer: The UK winter fuel payment." *Health economics* 27.9 (2018)
- Crow, Liz, 'Including All of Our Lives: Renewing the Social Model of Disability' in Johnathan Rix et al (eds), *Equality, Participation and Inclusion* (Routledge, 2010)
- Crowther, Neil and Liz Sayce, 'Was Ratification of the CRPD the High Watermark for United Kingdom Disability Rights? Ten Years of Monitoring Implementation of the CRPD' in Emily Julia Kakoullis and Kelley Johnson (eds), *Recognising Human Rights in Different Cultural Contexts* (Palgrave Macmillan, 2020)
- Dabbagh, Rufaidah Mohammad, et al. "Patient bill of rights knowledge and perceived practice among females visiting a patient safety event at King Saud University." *Journal of Nature and Science of Medicine* 5.3 (2022)
- Daltroy, Lawren et al, 'Objectively Measuring Physical Ability in Elderly Persons: The Physical Capacity Evaluation' (1995) 85(4) *American Journal of Public Health*
- Darcy, Simon, '“But I can do the Job”: Examining Disability Employment Practice through Human Rights Complaint Cases' (2016) 31(9) *Disability & Society*
- De Beco, Gauthier, 'Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities: Another Role for National Human Rights Institutions?' (2011) 29(1) *Netherlands Quarterly of Human Rights*
- Degener, Theresia and Gerald Quinn, 'A Survey of International, Comparative and Regional Disability Law Reform' in Mary Lou Breslin and Silvia Yee (eds), *Disability Rights Law and Policy: International and National Perspectives* (Transnational Publishers, 2002)

- Degener, Theresia, 'A Human Rights Model of Disability' in Peter Blanck and Eilionóir Flynn (eds), *Routledge Handbook of Disability Law and Human Rights* (Routledge, 2016)
- Degener, Theresia, 'A Human Rights Model of Disability' in Peter Blanck and Eilionóir Flynn (eds), *Routledge Handbook of Disability Law and Human Rights* (1st ed, Routledge, 2014)
- Degener, Theresia, 'A New Human Rights Model of Disability' in Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (eds), *The United Nations Convention on the Rights of Persons with Disabilities. A Commentary* (Springer, 2017)
- Degener, Theresia, 'A New Human Rights Model of Disability' in Valentina Della Fina, Rachele Cera and Giuseppe Palmisano (eds), *The United Nations Convention on the Rights of Persons with Disabilities* (Springer, 2017)
- Degener, Theresia, 'Disability in A Human Rights Context' (2016) 5(3) *Laws*
- Devandas Aguilar, Catalina, 'Social Protection and Persons with Disabilities' (2017) 70(4) *International Social Security Review*
- Devine, Alexandra, "'I'm proud of how far I've come. I'm just ready to work.'" Exploring the relationships between the life circumstances of people with psychosocial disability and their engagement with the Australian Disability Employment Services program,' (PhD dissertation, 2020)
- D. Pradeep M, 'Legal Research- Descriptive Analysis on Doctrinal Methodology' (2019) 4(2) *International Journal of Management, Technology, and Social Sciences*
- Dinstein, Yoram, 'Discrimination and International Human Rights' in Yoram Dinstein and Jeff Lahav (eds), *Israel Yearbook on Human Rights* (Brill Nijhoff, 1985) vol 15
- Dirth, Thomas P and Nyla R Branscombe, 'Disability Models Affect Disability Policy Support Through Awareness of Structural Discrimination' (2017) 73(2) *Journal of Social Issues*
- Disney, Julian, 'Ombudsmen in Australia' (1974) 46(4) *The Australian Quarterly*

Ditchman, Nicole, 'How Stigma Affects the Lives of People with Intellectual Disabilities: An Overview' in Katrina Scior and Shirli Werner (eds), *Intellectual Disability and Stigma* (Palgrave Macmillan, 2016)

Doyle, Anne et al, 'Predictors of Access to Healthcare Professionals for People with Intellectual Disability in Ireland' (2020) *Journal of Intellectual Disabilities* (advance)

Draper, William et al, 'Workplace Discrimination and the Perception of Disability' (2011) *55(1) Rehabilitation Counseling Bulletin*

Editorial, 'Sexuality, Disability and Human Rights: Strengthening Healthcare for Disabled People' (2012) *102(10) South African Medical Journal*

Elby, Andrew and David Hammer, 'On the Substance of a Sophisticated Epistemology' (2001) *85(5) Science Education*

Emanuel, Ezekiel J and Victor R Fuchs, 'Shortening Medical Training by 30%' (2012) *307(11) Journal of the American Medical Association*

Eskay, Michael, 'Disability within the African Culture' in Omiunota N Ukpokodu and Peter Ukpokodu (eds), *Contemporary Voices from the Margin: African Educators on African and American Education* (Information Age Publishing, 2012)

Farag, Alyaa Omar Ibrahim, and Wedad Abdullah Sharabi, 'University Education Role in Empowering Saudi Women in Light of Development Strategy 2030 from the Students' Perspective at Prince Sattam Bin Abdulaziz University,' (2020) *26(1) Journal of Social Studies*

Feenan, Dermot, *Exploring the 'Socio' of Socio-Legal Studies* (Palgrave Macmillan, 2013)

Finkelstein, Joseph et al, 'Home-Based Physical Telerehabilitation in Patients with Multiple Sclerosis: A Pilot Study' (2008) *45(9) Journal of Rehabilitation Research and Development*

Flynn, Eilionóir and Anna Lawson, 'Disability and Access to Justice in the European Union: Implication of the UN Convention on the Rights of Persons with Disabilities' (2013) *4 European Yearbook of Disability Law*

Flynn, Eilionóir, 'Making Human Rights Meaningful for People with Disabilities: Advocacy, Access to Justice and Equality before the Law' (2013) *17(4) International Journal of Human Rights*

Franklin, Anita et al, 'Children with Albinism in African Regions: Their Rights to "Being" and "Doing" ' (2018) 18(1) *BMC International Health and Human Rights*

Fuchs, Michael, 'Quota Systems for Disabled Persons: Parameters, Aspects, Effectivity,' (Vienna: European Centre for Social Welfare Policy and Research, 2014).Gallagher, Hugh, 'What the Nazi "Euthanasia Program" Can Tell Us about Disability Oppression' (2001) 12(2) *Journal of Disability Policy Studies*

Garland, Robert, *The Eye of the Beholder: Deformity and Disability in the Graeco-Roman World* (Cornell University Press, 1995)

Gervasi, Osvaldo, Riccardo Magni and Mauro Zampolini, 'Nu! RehaVR: Virtual Reality in Neuro Tele-rehabilitation of Patients with Traumatic Brain Injury and Stroke' (2010) 14(2) *Virtual Reality*

Gharaibeh, Numan, 'Disability in Arab Societies' in Catherine A Marshall et al. (eds), *Disabilities: Insights from across Fields and around the World* (Westport, 2009) vol 1, 63

Gibson, Jeremy and Rory O'Connor, 'Access to Health Care for Disabled People: A Systematic Review' (2010) 1(3) *Social Care and Neurodisability*

Gilmour, Allison F, 'Has Inclusion Gone Too Far?' (2018) 18(4) *Education Next*
<https://www.educationnext.org/has-inclusion-gone-too-far-weighing-effects-students-with-disabilities-peers-teachers/>

Gleeson, Brendan, 'Disability and The Open City' (2001) 38(2) *Urban Studies*

Goodley, Dan, 'Empowerment, Self-Advocacy and Resilience' (2005) 9(4) *Journal of Intellectual Disabilities*

Goodley, Dan, 'Who Is Disabled? Exploring the Scope of the Social Model of Disability' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (SAGE, 2nd ed, 2004)

Gosling, Amanda and Eirini-Christina Saloniki, 'Correction of Misclassification Error in Disability Rates' (2014) 23(9) *Health Economics*

Greene, Carolyn J et al, 'How Does Tele-Mental Health Affect Group Therapy Process? Secondary Analysis of a Noninferiority Trial' (2010) 78(5) *Journal of Consulting and Clinical Psychology*

- Griffin, Christopher, Jr and Michael Ashley Stein, 'Self-Perception of Disability and Prospects for Employment among US Veterans' (2015) 50(1) *Work* 56
- Guest Editorial, 'More than Ramps: Accessible Health Care for People with Disabilities' (2006) 175(4) *Canadian Medical Association Journal*
- Guldvik, Ingrid, 'Political Citizenship and Local Political Participation for Disabled People' (2013) 17(1) *Citizenship Studies*
- Gulley, Stephen and Barbara Altman, 'Disability in Two Health Care Systems: Access, Quality, Satisfaction, and Physician Contacts among Working-Age Canadians and Americans with Disabilities' (2008) 1(4) *Disability and Health Journal*
- Hammad, Mohammad Ahmed, 'The Impact of the COVID-19 Crisis on the Role of Mothers towards Their Disabilities Children' (2021) 4(11) *International Journal of Social Science and Human Research*
- Harpur, Paul, 'Embracing the New Disability Rights Paradigm: The Importance of the Convention on the Rights of Persons with Disabilities' (2012) *Disability & Society* 1
- Harvey, Michael W et al, 'Preservice Teacher Preparation for Inclusion: An Exploration of Higher Education Teacher-training Institutions' (2010) 31(1) *Remedial and Special Education*
- Hasler, Frances, 'Developments in the Disabled People's Movement' in John Swain et al (eds), *Disabling Barriers – Enabling Environments* (SAGE, 1993)
- Hassanein, Elsayed EA, Yousef M Alshaboul and Sayed Ibrahim, 'The Impact of Teacher Preparation on Preservice Teachers' Attitudes Toward Inclusive Education in Qatar' (2021) 7(9) *Heliyon* e07925
- Hassanein, Elsayed Elshabrawi, Taha Rabie Adawi and Evelyn S Johnson, 'Barriers to Including Children with Disabilities in Egyptian Schools' (2021) 24(1) *Journal of International Special Needs Education*
- Henn, Matt, Mark Weinstein and Nick Foard, *A Critical Introduction to Social Research* (Sage Publications, 2018)

Hirschberg, Marianne, 'Conceptualizations of Disability in ICF and CPRD: Their Contribution to the Realization of the Right to Work' in Gudrun Wansing, Felix Welti and Markus Schäfers (eds), *The Right to Work for Persons with Disabilities* (Nomos, 2018)

Hofer, Barbara and Paul Pintrich, 'The Development of Epistemological Theories: Beliefs about Knowledge and Knowing and Their Relation to Learning' (1997) 67(1) *Review of Educational Research*

Hofer, Barbara and Paul Pintrich. *Personal Epistemology: The Psychology of Beliefs about Knowledge and Knowing* (Psychology Press, 2004)

Holloway, Sarah, 'The Experience of Higher Education from the Perspective of Disabled Students' (2001) 16(4) *Disability & Society*

Hood, Christopher, 'The "New Public Management" in the 1980s: Variations on a Theme' (1995) 20(2-3) *Accounting, Organizations and Society*

Horner, Chris and Emrys Westacott, *Thinking through Philosophy* (Cambridge University Press, 2000)

Hunt, Xanthe et al, 'Dating Persons with Physical Disabilities: The Perceptions of South Africans without Disabilities' (2018) 20(2) *Culture, Health & Sexuality*

Hutchinson, Terry and Nigel Duncan. 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17 *Deakin Law Review*

International Labour Office, *Economic Security for a Better World* (International Labour Office, 2004)

Iridate, Edurne García, Roy McConkey and Robbie Gilligan, *Disability and Human Rights: Global Perspectives* (Macmillan International Higher Education, 2015)

Jackson, James et al, 'Cognitive and Physical Rehabilitation of ICU Survivors: Results of the RETURN Randomized, Controlled Pilot Investigation' (2012) 40(4) *Critical Care Medicine*

Jackson, Mary Ann, 'Models of Disability and Human Rights: Informing the Improvement of Built Environment Accessibility for People with Disability at Neighbourhood Scale?' (2018) 7(1) *Laws*

Jaeger, Paul T, 'Internet Justice: Reconceptualizing the Legal Rights of Persons with Disabilities to Promote Equal Access in the Age of Rapid Technological Change' (2013) 9(1) *Review of Disability Studies* <<https://rdsjournal.org/index.php/journal/article/view/71>>

Johnson, Genevieve M and Howell J Andrew, 'Change in Pre-Service Teacher Attitudes Toward Contemporary Issues in Education' (2009) 24(2) *International Journal of Special Education*

Johnson, Mary, 'Before Its Time: Public Perception of Disability Rights, the Americans with Disabilities Act, and the Future of Access and Accommodation' (2007) 23 *Journal of Law & Policy*

Jones, Andrea Marie, Rodrigo Finkelstein and Mieke Koehoorn, 'Disability and Workplace Harassment and Discrimination Among Canadian Federal Public Service Employees' (2018) 109(1) *Canadian Journal of Public Health*

Jung, Woo Sik, 'Preservice Teacher Training for Successful Inclusion' (2007) 128(1) *Education*

Kanter, Arlene, *The Development of Disability Rights under International Law: From Charity to Human Rights* (Routledge, 2014)

Karlin, Nancy J, Joyce Weil and Wejdan Felmban, 'Aging in Saudi Arabia: An Exploratory Study of Contemporary Older Persons' Views about Daily Life, Health, and the Experience of Aging' (2016) 2 *Gerontology and Geriatric Medicine* <<https://doi.org/10.1177/2333721415623911>>

Kayess, Rosemary and Phillip French. 'Out of Darkness into Light? Introducing the Convention on the Rights of Persons with Disabilities' (2008) 8(1) *Human Rights Law Review*

Kéchichian, Joseph, *Legal and Political Reforms in Saudi Arabia* (Routledge, 2012)

Kelemen, R Daniel and Lisa Vanhala, 'The Shift to the Rights Model of Disability in the EU and Canada' (2010) 20(1) *Regional & Federal Studies*

Kelly, Christine, *Disability Politics and Care: The Challenge of Direct Funding* (UBC Press, 2016)

- Kerbler, Boštjan, 'A Toolkit for Detecting and Eliminating the Barriers that People with Disabilities Face in the Built Environment: The Case of Slovenia, Europe' (2012) 29(2) *METU Journal of the Faculty of Architecture*
- Khasawneh, Mohammad Ahmad, 'The Effect of the Spread of the New COVID-19 on the Psychological and Social Adaptation of Families of Persons with Disabilities in the Kingdom of Saudi Arabia' (2021) 9(3) *Health Psychology Report*
- Khalil, Mohamed KM, et al. "The future of integrative health and medicine in Saudi Arabia." *Integrative medicine research* (2018) 7(4)
- Khudorenko, Elena, 'Problems of the Education and Inclusion of People with Disabilities' (2011) 53(12) *Russian Education & Society*
- Killoran, Isabel, Dagmara Woronko and Hayley Zaretsky, 'Exploring Preservice Teachers' Attitudes Towards Inclusion' (2014) 18(4) *International Journal of Inclusive Education*
- Kim, Ji-Ryun, 'Influence of Teacher Preparation Programmes on Preservice Teachers' Attitudes Toward Inclusion' (2011) 15(3) *International Journal of Inclusive Education*
- Kirschner, Kristi and Raymond Curry, 'Educating Health Care Professionals to Care for Patients with Disabilities' (2009) 302(12) *Journal of the American Medical Association*
- Knight, Melinda, 'Accessibility and Disability: Absent Keywords in Business and Professional Communication' (2018) 81(1) *Business and Professional Communication Quarterly*
- Kung, Hans and Bowden John, *Islam: Past, Present and Future* (One World Publications, 2014)
- Krishnan, Lakshmi, GothaiPrabha, and ParangimaliDiwakarMadankumar, 'Knowledge, Attitude, and Practice about Oral Health among Mothers of Children with Special Needs—A Cross-Sectional Study,' (2019) 6 (2) *Journal of Dental Research and Review*
- Lambe, Jackie, 'Northern Ireland Student Teachers' Changing Attitudes Towards Inclusive Education During Initial Teacher Training' (2007) 22(1) *International Journal of Special Education*

Lang, Raymond et al, 'Implementing the United Nations Convention on the Rights of Persons with Disabilities: Principles, Implications, Practice and Limitations' (2011) 5(3) *Alter* 208

Larson, David Allen, 'Access to Justice for Persons with Disabilities: An Emerging Strategy' (2014) 3(2) *Laws*

Lautenbach, Franziska and Anke Heyder, 'Changing Attitudes to Inclusion in Preservice Teacher Education: A Systematic Review' (2019) 61(2) *Educational Research*

Lawson, Anna and Angharad E Beckett, 'The Social and Human Rights Models of Disability: Towards a Complementarity Thesis' (2021) 25(2) *The International Journal of Human Rights*

Lee, Jae-Young, Kyung-Cheol Lim, So-Yun Kim, et al., 'Oral Health Status of the Disabled Compared with that of the Non-Disabled in Korea: A Propensity Score Matching Analysis,' (2019) 14(1) *PloS one*

Lemmi, Valentina, 'Community-Based Rehabilitation for People with Disabilities in Low- and Middle-Income Countries: A Systematic Review' (2015) 15 *Campbell Systematic Reviews*

Lengnick-Hall, Mark L, Philip M. Gaunt, and Mukta Kulkarni, 'Overlooked and Underutilized: People with Disabilities are an Untapped Human Resource,' (2008) 47(2) *Human Resource Management: Published in Cooperation with the School of Business Administration, The University of Michigan and in alliance with the Society of Human Resources Management*

Liu, Hsiu-Yueh, Jung-Ren Chen, Szu-Yu Hsiao, and Shun-Te Huang, 'Caregivers' Oral Health Knowledge, Attitude and Behavior Toward Their Children with Disabilities,' (2017) 12(4) *Journal of Dental Sciences*

Lindsay, Sally, 'Discrimination and Other Barriers to Employment for Teens and Young Adults with Disabilities' (2011) 33(15–16) *Disability and Rehabilitation*

Lindstrom, Lauren et al, 'Waging a Living: Career Development and Long-Term Employment Outcomes for Young Adults with Disabilities' (2011) 77(4) *Exceptional Children*

- Lingard, Bob and Sam Sellar, 'Globalization, Edu-Business and Network Governance: The Policy Sociology of Stephen J Ball and Rethinking Education Policy Analysis' (2013) 11(3) *London Review of Education*
- LoBianco, Anthony F and Kathy Sheppard-Jones, 'Perceptions of Disability as Related to Medical and Social Factors' (2007) 37(1) *Journal of Applied Social Psychology*
- Lord, Janet E et al, *Human Rights. Yes! Action and Advocacy on the Rights of Persons with Disabilities* (Human Rights Education Series: Topic Book 6, University of Minnesota Human Rights Resource Centre, 2009)
- Lord, Janet, 'Disability Rights and the Human Rights Mainstream: Reluctant Gate-Crashers?' in Clifford Bob (ed), *The International Struggle for New Human Rights* (University of Pennsylvania Press, 2011)
- Löve, Laufey et al, 'The Inclusion of the Lived Experience of Disability in Policymaking, (2017) 6(4) *Laws*
- Lunasco, Travis K et al, 'One Shot-One Kill: A Culturally Sensitive Program for the Warrior Culture' (2010) 175(7) *Military Medicine*
- Lurie, Nicole and Brendan G Carr, 'The Role of Telehealth in the Medical Response to Disasters' (2018) 178(6) *JAMA Internal Medicine*
- MacMillan, Megan et al, 'The Association between Children's Contact with People with Disabilities and Their Attitudes towards Disability: A Systematic Review' (2014) 56(6) *Developmental Medicine & Child Neurology*
- Madhi, Salah and Armando Barrientos, 'Saudisation and Employment in Saudi Arabia' (2003) 8(2) *Career Development International*
- Mahrous, Mohamed S, 'Patient's Bill of Rights: Is It a Challenge for Quality Health Care in Saudi Arabia?' (2017) 5(3) *Saudi Journal of Medicine & Medical Sciences*
- Malik, Rabea et al, 'Are Children with Disabilities in School and Learning? Evidence from a Household Survey in Rural Punjab, Pakistan' (2020) *Compare: A Journal of Comparative and International Education*

Man, David WK et al, 'A Randomized Clinical Trial Study on the Effectiveness of a Tele-analogy-Based Problem-Solving Programme for People with Acquired Brain Injury (ABI)' (2006) 21(3) *NeuroRehabilitation*

Mani, Paramasivan et al, 'Assessment of Accessibility Preparation for People with Special Needs at Al Ahsa Mosques' (2021) 11(11) *International Journal of Health Sciences and Research*

Mansour, M, 'Employers' Attitudes and Concerns about the Employment of Disabled People' (2009) 5(4) *International Review of Business Research Papers*

Mansuri, Farah A et al, 'Road Safety and Road Traffic Accidents in Saudi Arabia: A Systematic Review of Existing Evidence' (2015) 36(4) *Saudi Medical Journal*

Marnetoft, Sven-Uno, 'Vocational Rehabilitation' in Reuben Escorpizo et al (eds), *Handbook of Vocational Rehabilitation and Disability Evaluation* (Springer, 2014)

Masefield, Paddy, *Strength: BroadSides from Disability on the Arts* (Trentham Books Limited, 2006)

Masih, Farooq, 'Stigma and Discrimination Faced by People with Disabilities Returning to the Federally Administered Tribal Areas in Pakistan' (Research Report, July 2018)
<<https://reliefweb.int/report/pakistan/stigma-and-discrimination-faced-people-disabilities-returning-federally-administered>>

Matsuda, Mari, 'Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition' (1991) 43(6) *Stanford Law Review*

Mattson, Eva and Audrey Hansen, 'Inclusive and Exclusive Education in Sweden: Principals' Opinions and Experiences' (2009) 24(4) *European Journal of Special Needs Education*

McClain-Nhlapo, Charlotte, 'Epilogue: A Decade of Implementing the UN Convention on the Rights of Persons with Disabilities' (2016) 1(3) *Third World Thematics*

McConkey, Roy, 'Citizenship and People with Intellectual Disabilities: An International Imperative?' in Brian Watermeyer, Judith McKenzie and Leslie Swartz (eds), *The Palgrave Handbook of Disability and Citizenship in the Global South* (Palgrave Macmillan, 2019)

McConville, Mike and Wing Hong Chui, *Research Methods for Law* (Edinburgh University Press, 2017)

- McCormack, Cathy and Bethan Collins, 'The Affirmative Model of Disability: A Means to Include Disability Orientation in Occupational Therapy?' (2012) 75(3) *British Journal of Occupational Therapy*
- McGregor, Carmel, 'Australian Small Business and Family Enterprise Ombudsman (ASBFEO)-Independent Review,' (2021).
- McHatton, Patricia Alvarez and Audra Parker, 'Purposeful Preparation: Longitudinally Exploring Inclusion Attitudes of General and Special Education Pre-service Teachers' (2013) 36(3) *Teacher Education and Special Education*
- McKenna, Lisa and Rebecca Vanderheide, 'Graduate Entry to Practice in Nursing: Exploring Demographic Characteristics of Commencing Students' (2012) 29(3) *Australian Journal of Advanced Nursing*
- McMahon, Brian et al, 'Hiring Discrimination against People with Disabilities under the ADA: Characteristics of Charging Parties' (2008) 18(2) *Journal of Occupational Rehabilitation*
- McMillan, John, 'The Ombudsman in Australia: Flourishing, Expanding, Diversifying, Innovating' in Marc Hertogh and Richard Kirkham (eds), *Research Handbook on the Ombudsman* (Edward Elgar Publishing, 2018)
- Mégret, Frédéric, 'The Disabilities Convention: Human Rights of Persons with Disabilities or Disability Rights?' (2008) *Human Rights Quarterly*
- Mertus, Julie, 'Politics' in Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (eds), *International Human Rights Law* (Oxford University Press, 2010)
- Miethlich, Boris and Ludomír Šlahor, 'Employment of Persons with Disabilities as a Corporate Social Responsibility Initiative: Necessity and Variants of Implementation' (2018) 6 *CBU International Conference Proceedings*
- Milner, Paul and Berni Kelly, 'Community Participation and Inclusion: People with Disabilities Defining Their Place' (2009) 24(1) *Disability & Society*
- Mittler, Peter, 'The UN Convention on the Rights of Persons with Disabilities: Implementing a Paradigm Shift' in Edurne García Iriarte, Roy McConkey and Robbie Gilligan (eds), *Disability and Human Rights: Global Perspectives* (Routledge, 2014)

- Mohamed Madi, Sanaa, Anne Mandy and Kay Aranda, 'The Perception of Disability among Mothers Living with a Child with Cerebral Palsy in Saudi Arabia' (2019) 6 *Global Qualitative Nursing Research* 2333393619844096
- Mohamed, Khadijah, 'Combining Methods in Legal Research' (2016) 11(21) *Social Sciences*
- Molinaro, Anna et al, 'Action Observation Treatment in a Tele-Rehabilitation Setting: A Pilot Study in Children with Cerebral Palsy' (2020) *Disability and Rehabilitation* 1–6
<<https://doi.org/10.1080/09638288.2020.1793009>>
- Montagu, Caroline, 'Civil Society and the Voluntary Sector in Saudi Arabia' (2010) 64(1) *Middle East Journal*
- Morgon Banks, Lena et al, 'Disability and Social Protection Programmes in Low- and Middle-Income Countries: A Systematic Review' (2017) 45(3) *Oxford Development Studies*
- Mostert, Mark, 'Stigma as Barrier to the Implementation of the Convention on the Rights of Persons with Disabilities in Africa' in Charles Ngwena et al (eds), *African Disability Rights Yearbook* (Pretoria University Law Press, 2016), vol 4, 3
- Mulazadeh, Mohammad and Talal Al-Harbi, 'Design of the Built Environment and the Integration of Wheelchair Users in the Kingdom of Saudi Arabia: Commentary and Exploratory Study' (2016) 22(2) *Journal on Developmental Disabilities*
- Munyi, Chomba Wa, 'Past and present perceptions towards disability: A historical perspective' *Disability studies quarterly* (2012) 2(32).
- Murray, Tim, 'Disability Discrimination in the Workplace: When Choice of Jurisdiction Matters' (2018) 38(2) *Proctor*
- Murry, Francie and Ragea Mohammed Ali Alqahtani, 'Teaching Special Education Law in Saudi Arabia: Improving Pre-Service Teacher Education and Services to Students with Disabilities' (2015) 5(6) *World Journal of Education*
- Murshid, Ebtissam Zakaria, 'Oral Health Status, Dental Needs, Habits and Behavioral Attitude Towards Dental Treatment of a Group of Autistic Children in Riyadh, Saudi Arabia, '(2005) 17(3) *Saudi Dental Journal*
- Mustafa, Somaia, 'Solutions for Disability Problems in Saudi Arabia' (2018) 9(15) *Religion*

- Mohammed Mustafa, Faris Yahya I. Asiri, ShahadAlGhannam, et al., 'Extent of Awareness Regarding Oral Health and Dental Treatment Needs Among Individuals with Hearing and Speech Impairments in Saudi Arabia,' (2018) 8 (1) *Journal of International Society of Preventive & Community Dentistry*
- Muzafar, Saira and NZ Jhanjhi, 'Success Stories of ICT Implementation in Saudi Arabia' in Vasaki Ponnusamy, Khalid Rafique and Noor Zaman (eds), *Employing Recent Technologies for Improved Digital Governance* (IGI Global, 2019)
- Nancarrow, Susan A, 'Six Principles to Enhance Health Workforce Flexibility' (2015) 13 *Human Resources for Health*
- Nancarrow, Susan and Julie Clark, 'Accountability and Accreditation in the Australian Allied Health Context' (2003) 2(1) *Practice Development in Health Care*
- Nancarrow, Susan, Anna Moran and Iain Graham, 'Preparing a 21st Century Workforce: Is It Time to Consider Clinically Based, Competency-Based Training of Health Practitioners?' (2013) 38(1) *Australian Health Review*
- Nasr, Osman and Enayat Alkhider, 'Online Complaint Management System' (2015) 2(5) *International Journal of Innovative Science, Engineering & Technology*
- Niblock, Tim, *Saudi Arabia: Power, Legitimacy and Survival* (Routledge, 2004)
- Njelesani, Janet et al, 'From the Day They Are Born: A Qualitative Study Exploring Violence Against Children with Disabilities in West Africa' (2018) 18 *BMC Public Health*
- Noura, Erakat, 'Interview with Omar Shakir: Legitimate Advocacy for Human Rights Is Being Silenced' (2020) 49(4) *Journal of Palestine Studies*
- Nussbaum, Martha, *Frontiers of Justice: Nationality, Disability, Species Membership* (Harvard University Press, 2006)
- O'Donovan, Darren, 'Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls' in Laura Cahillane and Jennifer Schweppe (eds), *Legal Research Methods: Principles and Practicalities* (Clarus Press, 2016)
- O'Kane, Michael, *Saudi Arabia Labor Law Outline* (Al-Andalus Publishing, 2014)

- Oliver, Mike and Colin Barnes, 'Disability Studies, Disabled People and the Struggle for Inclusion' (2010) 31(5) *British Journal of Sociology of Education*
- Oliver, Mike, 'The Social Model of Disability: Thirty Years On' (2013) 28(7) *Disability & Society*
- Olney, Marjorie and Karin Brockelman, 'Out of the Disability Closet: Strategic Use of Perception Management by Select University Students with Disabilities' (2003) 18(1) *Disability & Society*
- Olney, Sue and Helen Dickinson, 'Australia's New National Disability Insurance Scheme: Implications for Policy and Practice' (2019) 2(3) *Policy Design and Practice*
- Otieno, Pauline A, 'Biblical and Theological Perspectives on Disability: Implications on the Rights of Persons with Disability in Kenya' (2009) 29(4) *Disability Studies Quarterly*
- Pain, Helen et al, 'Outcomes from a Randomized Controlled Trial of Telerehabilitation for People with Spinal Cord Injuries' (2007) 13(1) *Journal of Telemedicine and Telecare*
- Palmer, Michael and David Harley, 'Models and Measurement in Disability: An International Review' (2012) 27(5) *Health Policy and Planning*
- Palmer, Michael and Jenny Williams, 'Are Employment Protection Laws for Persons with Disabilities Effective in a Developing Country?' (Economics Discussion/Working Papers 20–22, Department of Economics, The University of Western Australia, 2021)
- Palmer, Michael, 'Social Protection and Disability: A Call for Action' (2013) 41(2) *Oxford Development Studies*
- Parmenter, David, *Key Performance Indicators: Developing, Implementing, and Using Winning KPIs* (John Wiley & Sons, 2015)
- Parveen, Musrrat, 'Women Empowerment: New Paradigm Shift of Saudi Women into Labor Workforce' (2021) 17(1) *Society and Business Review*
- Patmore, Glenn, 'The Disability Discrimination Act (Australia): Time for Change' (2002) 24 *Comparative Labor Law & Policy Journal*

- Patrick, Ruth et al, 'Debate: The Wrong Prescription: Disabled People and Welfare Conditionality' (2011) 39(2) *Policy & Politics*
- Pearce, Dennis, 'Ombudsman in Australia' in Roy Gregory and Philip Giddings (eds), *Righting Wrongs: The Ombudsman in Six Continents* (IOS Press, 2000)
- Peter, Dimity Jane, Sarah Alem and Barbara Knabe, 'Reassessing Cultural Capital: Access to Employment for Women with Disabilities in Saudi Arabia' (2018) 37(3) *Equality, Diversity and Inclusion: An International Journal*
- Peter, Fabienne, 'The Human Right to Political Participation' (2013) 7(1) *Journal of Ethics & Social Philosophy*
- Peters, Susan, '“Education for all?” A Historical Analysis of International Inclusive Education Policy and Individuals with Disabilities' (2007) 18(2) *Journal of Disability Policy Studies*
- Peterson, Helen, 'Built Environment Accessibility in the Eastern Province of the Kingdom of Saudi Arabia as Seen by Persons with Disabilities' (2021) 11(1) *Journal of Accessibility and Design for All*
- Phillips, Allyson et al, 'College Students' Social Perceptions toward Individuals with Intellectual Disability' (2019) 30(1) *Journal of Disability Policy Studies*
- Prideaux, Simon and Alan Roulstone, 'Good Practice for Providing Disabled People with Reasonable Access to the Built Environment: A Comparative Study of Legislative Provision' (2009) 1(1) *International Journal of Law in the Built Environment*
- Priestley, Mark et al, 'The Political Participation of Disabled People in Europe: Rights, Accessibility and Activism' (2016) 42 (June) *Electoral Studies*
- Priestley, Mark, *Disability Politics and Community Care* (Macmillan, 1999)
- Prince, Michael, 'Persons with Invisible Disabilities and Workplace Accommodation: Findings from a Scoping Literature Review' (2017) 46(1) *Journal of Vocational Rehabilitation*
- Poonam Agrawal, Kanak Priya, and Dinesh Kumar Bagga, 'Oral Health Awareness Among Parents of Differently Aabled Children: A study in North Indian Population,' (2021) 15 (2) *Indian Journal of Forensic Medicine & Toxicology*

Pomarico, L, I. P. R. Souza, and LF Rangel Tura, 'Sweetened Medicines and Hospitalization: Caries Risk Factors in Children with and without Special Needs,' (2005) 6(4) *European Journal of Pediatric Dentistry*

Qi, Fei et al, 'Rhetoric and Reality: Litigation Rights of Chinese Disabled People' (2020) 35(8) *Disability & Society*

Qureshi, Ahmad Zaheer et al, 'Telerehabilitation Guidelines in Saudi Arabia' (2021) 27(10) *Telemedicine and E-Health*

Ramaswamy, Ashwin et al, 'Patient Satisfaction with Telemedicine During the COVID-19 Pandemic: Retrospective Cohort Study' (2020) 22(9) *Journal of Medical Internet Research* e20786

Rayini, Junaid, 'Library and Information Services to the Visually Impaired Persons' (2017) 1510 *Library Philosophy and Practice (E-Journal)*

Reed, Esther D, *The Ethics of Human Rights: Contested Doctrinal and Moral Issues* (Baylor University Press, 2007)

Reinders, Hans, 'Disability Rights, Legal and Moral' in John-Stewart Gordon, Johann-Christian Pöder and Burckhart Holger (eds), *Human Rights and Disability: Interdisciplinary Perspectives* (Routledge, 2017)

Retief, Marno and Rantoa Letsosa, 'Models of Disability: A Brief Overview' (2018) 74(1) *HTS Theological Studies* a4738

Richard, Sarah, and Sophie Hennekam, 'When Can a Disability Quota System Empower Disabled Individuals in the Workplace? The Case of France,' (2021) 35(5) *Work, Employment and Society*

Rieser, Richard, *Implementing Inclusive Education: A Commonwealth Guide to Implementing Article 24 of the UN Convention on the Rights of Persons with Disabilities* (Commonwealth Secretariat, 2nd rev ed, 2012)

Rispler-Chaim, Vardit, *Disability in Islamic Law* (Springer, 2007)

Rogante, Marco et al, 'Ten Years of Telerehabilitation: A Literature Overview of Technologies and Clinical Applications' (2010) 27(4) *NeuroRehabilitation*

Sakellariou, Dikaïos and Elena S Rotarou, 'Access to Healthcare for Men and Women with Disabilities in the UK: Secondary Analysis of Cross-Sectional Data' (2017) 7(8) *BMJ Open*

Salter, Michael and Julie Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Pearson, 2007)

Samuel, Geoffrey, *Epistemology and Method in Law* (Routledge, 2016)

Santo Sevilla, DE, MJ Martin Pavón and C Jenaro Río, 'Teacher's Attitude Towards Inclusive Education and Towards Students with Special Educational Needs' (2018) 18(78) *Innovación educativa*

Santoso, Anang D, 'Social Media Campaigns on Disability Awareness: A Content Analysis of Official Government Twitter Accounts' (2019) 22 *Life Span and Disability*

Saqib, Najia, 'Women Empowerment and Economic Growth: Empirical Evidence from Saudi Arabia' (2016) 6(5) *Advances in Management & Applied Economics*

Saqib, Nazmus et al, 'Chronic Disease Prevalence among Elderly Saudi Men' (2017) 11(5) *International Journal of Health Sciences*

Schur, Lisa, 'Barriers or Opportunities? The Causes of Contingent and Part-Time Work among People with Disabilities' (2003) 42(4) *Industrial Relations: A Journal of Economy and Society*

Schur, Lisa, Douglas Kruse and Peter Blanck, *People with Disabilities: Sidelined or Mainstreamed?* (Cambridge University Press, 2013)

Schwab, Susanne, 'The Impact of Contact on Students' Attitudes towards Peers with Disabilities' (2017) 62 *Research in Developmental Disabilities*

Schweppe, Jennifer (ed), *Legal Research Methods: Principles and Practicalities* (Clarus Press, 2016)

Scior, Katrina et al, '*Intellectual Disabilities: Raising Awareness and Combating Stigma. A Global Review*' (Report, University College London, 2015)

Scior, Katrina, 'Toward Understanding Intellectual Disability Stigma: Introduction' in Katrina Scior and Shirli Werner (eds), *Intellectual Disability and Stigma: Stepping Out from the Margins* (Palgrave Macmillan, 2016)

- Sebastián-Heredero, Eladio, 'Personal Teaching Competencies for Inclusive Education. A Reflection on What is Occurring in Spain' (2017) 30(59) *Special Education Magazine* 563
- Semrud-Clikeman, Margaret et al, 'Direct and Indirect Measures of Social Perception, Behavior, and Emotional Functioning in Children with Asperger's Disorder, Nonverbal Learning Disability, or ADHD' (2010) 38(4) *Journal of Abnormal Child Psychology*
- Shade, Richard A and Roger Stewart, 'General Education and Special Education Preservice Teachers' Attitudes Toward Inclusion' (2001) 46(1) *Preventing School Failure: Alternative Education for Children and Youth*
- Shah, Altaf H, Mustafa Naseem, Mohammad Shoyab Khan, et al., 'Oral Health Knowledge and Attitude Among Caregivers of Special Needs Patients at a Comprehensive Rehabilitation Centre: An Analytical study,' (2017) 8(3) *Annals of Stomatology*
- Shakespeare, Tom and Ira Kleine, 'Educating Health Professionals about Disability: A Review of Interventions' (2013) 2(2) *Health and Social Care Education*
- Shakespeare, Tom, 'The Social Model of Disability' in Lennard J Davis (ed), *The Disability Studies Reader* (Routledge, 2nd ed, 2006)
- Shakespeare, Tom, *Disability Rights and Wrongs Revisited* (Routledge, 2013)
- Shakespeare, Tom, Kath Gillespie-Sells and Dominic Davies, *The Sexual Politics of Disability: Untold Desires* (Cassell, 1996)
- Shakespeare, Tom, Lisa Lezzoni and Nora Groce, 'Disability and the Training of Health Professionals' (2009) 374(9704) *Lancet*
- Shields, Nora and Nicholas Taylor, 'Contact with Young Adults with Disability Led to a Positive Change in Attitudes toward Disability among Physiotherapy Students' (2014) 66(3) *Physiotherapy Canada*
- Shippen, Margaret E et al, 'Preservice Teachers' Perceptions of Including Students with Disabilities' (2005) 28(2) *Teacher Education and Special Education*
- Siebers, Tobin, 'Disability Studies and the Future of Identity Politics' in Linda Martín Alcoff et al (eds), *Identity Politics Reconsidered: The Future of Minority Studies* (Palgrave Macmillan, 2006)

Siddiqui, Ammar Ahmed, AbdulmjeedSadoon Al-Enizy, FreahAlshammary, Sameer Shaikh, and Junaid Amin, 'Oral Health in Saudi Arabia,' (2021) Handbook of Healthcare in the Arab World

Skarstad, Kjersti, 'Human Rights through the Lens of Disability' (2018) 36(1) *Netherlands Quarterly of Human Rights*

Smith, Julia, 'Overcoming the "Tyranny of the Urgent": Integrating Gender into Disease Outbreak Preparedness and Response' (2019) 27(2) *Gender & Development*

Spanemberg, J. C, J. A. Cardoso, E. M. G. B. Slob, and J. López-López, 'Quality of Life Related to Oral Health and its Impact in Adults,' (2019) 120(3) *Journal of stomatology, oral and maxillofacial surgery*

Stepanova, Galina, 'The Problem of Management and Implementation of Innovative Models of Network Interaction in Inclusive Education of Persons with Disabilities' (2018) *International Journal of Education and Information Technologies*

Stone-MacDonald, Angi and Gretchen Digman Butera, 'Cultural Beliefs and Attitudes about Disability in East Africa' (2012) 8(1) *Review of Disability Studies*

Stucki, Gerold, Alarcos Cieza and John Melvin, 'The International Classification of Functioning, Disability and Health: A Unifying Model for the Conceptual Description of the Rehabilitation Strategy' (2007) 39(4) *Journal of Rehabilitation Medicine*

Surana, Bhavini K et al, 'Effectiveness of Lower-Extremity Functional Training (LIFT) in Young Children with Unilateral Spastic Cerebral Palsy: A Randomized Controlled Trial' (2019) 33(10) *Neurorehabilitation and Neural Repair*

Swain, John and Sally French, 'Towards an Affirmation Model of Disability' (2000) 15(4) *Disability & Society*

Tariah, Hashem Abu et al, 'Wheelchair Accessibility of Mosques in Riyadh' (2018) 60(3) *Work*

Taylor, Roben W and Ravic P Ringlaben, 'Impacting Pre-Service Teachers' Attitudes Toward Inclusion' (2012) 2(3) *Higher Education Studies*

- Teitelbaum, Lee E, 'An Overview of Law and Social Research' (1985) 35 *Journal of Legal Education*
- Thelwall, Mike and Jonathan M Levitt, 'Retweeting Covid-19 Disability Issues: Risks, Support and Outrage' (2020) 29(2) *Information Professional Journal* e290216
- Thimbleby, Harold, 'Technology and the Future of Healthcare' (2013) 2(3) *Journal of Public Health Research* e28
- Tucker, Bonnie P, 'Overview of the Disability Discrimination Act and Comparison with the Americans with Disabilities Act' (1994) 3 *Australian Disability Review*
- Tucker, Bonnie P, 'The Americans with Disabilities Act of 1990: An Overview' (1992) 22 (Winter) *New Mexico Law Review*
- Tuckson, Reed V, Margo Edmunds and Michael L Hodgkins, 'Telehealth' (2017) 377(16) *New England Journal of Medicine*
- Ullah, Sami et al, 'Knowledge and Attitudes of Rehabilitation Professional toward Telerehabilitation in Saudi Arabia: A Cross-Sectional Survey' (2021) 27(5) *Telemedicine and E-Health*
- United Nations Department of Economic and Social Affairs, 'The Co-Ordinated Programme for the Rehabilitation of the Physically Handicapped' (1957) 2 (March) *International Social Service Review*
- Vale, Sandra, 'ASCI Guidelines for Prevention of Anaphylaxis in Schools, Pre-Schools and Childcare: 2015 Update' (2015) 51(10) *Journal of Paediatrics and Child Health*
- Van Berkel, Rik et al, *Frontline Delivery of Welfare-to-Work Policies in Europe: Activating the Unemployed* (Taylor & Francis, 2017)
- Van Rooy, Gert et al, 'Perceived Barriers to Accessing Health Services among People with Disabilities in Rural Northern Namibia' (2012) 27(6) *Disability & Society*
- Velazquez, Eduardo, 'Disability Law in Spain: Moving Forward towards Full Citizenship and Inclusion?' in Claire Spivakovsky, Linda Steele and Penelope Weller (eds), *The Legacies of Institutionalisation: Disability, Law and Policy in the 'Deinstitutionalised' Community* (Bloomsbury Publishing, 2020)

Verdonck, Lieselot and Ellen Desmet, 'Moving Human Rights Jurisprudence to a Higher Gear: Rewriting the Case of the Kichwa Indigenous People of Sarayaku v Ecuador (Inter-Am. Ct HR)' in Eva Brems and Ellen Desmet (eds), *Integrated Human Rights in Practice Rewriting Human Rights Decisions* (Edward Elgar Publishing, 2017)

Vick, Brandon et al, 'Poverty and Psychiatric Piagnosis in the US: Evidence from the Medical Expenditure Panel Survey' (2012) 15(2) *Journal of Mental Health Policy and Economics*

Vick, Douglas W, 'Interdisciplinarity and the Discipline of Law' (2004) 31(2) *Journal of Law and Society*

Vila, Trinidad Domínguez, Simon Darcy and Elisa Alén González, 'Competing for the Disability Tourism Market – A Comparative Exploration of the Factors of Accessible Tourism Competitiveness in Spain and Australia' (2015) 47(1) *Tourism Management*

Vornholt, Katharina et al, 'Disability and Employment—Overview and Highlights' (2018) 27(1) *European Journal of Work and Organizational Psychology*

Wilson, Nathan J, Zhen Lin, Amy Villarosa, et al., 'Countering the Poor Oral Health of People with Intellectual and Developmental Disability: A Scoping Literature Review,' (2019) 19(1) *BMC Public Health*

Waddington, Lisa and Mark Priestley, 'A Human Rights Approach to Disability Assessment' (2021) 37(1) *Journal of International and Comparative Social Policy*

Walker, Lara, *The Right to Health in Saudi Arabia: Right to Health in the Middle East Project* (Report) <<http://www.abdn.ac.uk/law/documents/Saudi%20ArabiaReport.pdf>>

Waltz, Mitzi and Alice Schippers, 'Politically Disabled: Barriers and Facilitating Factors Affecting People with Disabilities in Political Life within the European Union' (2021) 36(4) *Disability & Society*

Wang, Philip et al, 'Use of Mental Health Services for Anxiety, Mood, and Substance Disorders in 17 Countries in the WHO World Mental Health Surveys' (2007) 370(9590) *Lancet*

Ware, Jean, 'Changing Policy, Legislation and Its Effects on Inclusive and Special Education: A Perspective from Wales' (2014) 41(4) *British Journal of Special Education*

- Watson, Nick, 'Well, I know This Is Going to Sound Very Strange to You, But I Don't See Myself as a Disabled Person: Identity and Disability' (2002) 17(5) *Disability & Society*
- World Federation of Occupational Therapists, 'World Federation of Occupational Therapists' Position Statement on Telehealth' (2014) 6(1) *International Journal of Telerehabilitation*
- World Health Organization, '*Meeting on Planning and Monitoring the Implementation of the Regional Framework on Rehabilitation*' (Meeting Report No RS/2019/GE/27(PHL), World Health Organization, August 2019)
- Wray, Natalie and Louise McCall, 'Money Matters: Students' Perceptions of the Costs Associated with Placements' (2007) 41(10) *Medical Education*
- Wu, Mark, 'Free Trade and the Protection of Public Morals: An Analysis of the Newly Emerging Public Morals Clause Doctrine' (2008) 33 *The Yale Journal of International Law*
- Wynne Bannister, Emma and Sridhar Venkatapuram, 'Grounding the Right to Live in the Community (CRPD Article 19) in the Capabilities Approach to Social Justice' (2020) 69 *International Journal of Law and Psychiatry*
- Yazbeck, Marie, 'Attitudes toward People with Intellectual Disabilities: An Australian Perspective' (2004) 15(2) *Journal of Disability Policy Studies*
- Yee, Nick and Jeremy Bailenson. 'The Difference between Being and Seeing: The Relative Contribution of Self-Perception and Priming to Behavioral Changes via Digital Self-Representation' (2009) 12(2) *Media Psychology*
- Yeh, Hsiu-shan and Wan-I Lin, 'Disability Employment Services Under New Public Management: A Comparison of Australia and Taiwan' (2018) 61(3) *International Social Work*
- Zaman, Tabrez Uz, and Moath Alsolami. "A comprehensive review on the usefulness of telehealth intervention for children with disability with special reference to Saudi Arabia." *Int J Pharm Sci & Res* 9.11 (2018)
- Zeno-Zencovich, Vincenzo, Comparing Comparative Law (January 23, 2020). G. Resta, A.Somma, V. Zeno-Zencovich (Eds.), *Comparare. Una Riflessione Fra Le Discipline*, Mimesis, Milan 2020, Available at SSRN: <http://dx.doi.org/10.2139/ssrn.3601028>

Zhang, Hongwei, 'The Influence of the Ongoing COVID-19 Pandemic on Family Violence in China' (2020) (September) *Journal of Family Violence* (advance)

Zheng, Qiao-Lan et al, 'The Role of Quality of Care and Attitude towards Disability in the Relationship between Severity of Disability and Quality of Life: Findings from a Cross-Sectional Survey among People with Physical Disability in China' (2014) 12 *Health and Quality of Life Outcomes*

Zongjie, Yin et al, 'A Research Study into the Requirements of Disabled Residents for Rehabilitation Services in Beijing' (2007) 29(10) *Disability and Rehabilitation*

Zulu, Edwin, "'Watipa Leza": A Critical Re-Engagement of Nsenga (African) Religious Values and Disability' (2016) 20(1–2) *Journal of Disability & Religion*

B. Legislation

Basic Law of Saudi Arabia (Kingdom of Saudi Arabia), Royal Decree No A/90 (1 March 1992)

Canadian Human Rights Act RSC 1985 c H-6

Convention on the Rights of Persons with Disabilities, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008)

Declaration on Social Progress and Development, GA Res 2542, UN Doc A/RES/2542(XXIV) (11 December 1969)

Declaration on the Rights of Mentally Retarded Persons, GA Res 2856, UN Doc A/RES/2856(XXVI) (20 December 1971)

Disability Discrimination Act 1992 (Cth)

Disability Law (Kingdom of Saudi Arabia), Royal Decree No M/37 (19 December 2000)

Global-Regulation, 'Law 13/1982 of 7 April, Social Integration of the Disabled' (Web Page) <<https://www.global-regulation.com/translation/spain/1485959/law-13-1982-of-7-april%252c-social-integration-of-the-disabled.html>>

Labor and Workmen Law (Kingdom of Saudi Arabia), Royal Decree No M/21 (15 November 1969)

Law of the Council of Ministers (Kingdom of Saudi Arabia), Royal Decree No A/13 (21 August 1993)

Law of the Judiciary 2007 (Kingdom of Saudi Arabia), Royal Decree No M/64 (23 July 1975)

Law of Procedure before Shari'ah Courts (Kingdom of Saudi Arabia), Royal Decree No M/21 (19 August 2000)

Ministry of Health, *Patient's Bill of Rights and Responsibilities* (Ministry of Health, 2006)

Persons with Disability Act, 2006 (Act No 715) (Ghana) Act No 715

Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, GA Res 46/119, UN Doc A/46/421 (17 September 1991) annex

Royal Decree No 19746 (20 March 1960)

Saudi Building Code 2007 (Kingdom of Saudi Arabia)

Saudi Building Code 2018 (Kingdom of Saudi Arabia)

Standard Rules on the Equalization of Opportunities for Persons with Disabilities, GA Res 48/96, UN Doc A/RES/48/96 (4 March 1994) annex

Shura Council Law (Kingdom of Saudi Arabia), Royal Decree No A/91 (1 March 1992)

C. Other

'Accessibility', GOV.SA (Web Page, 25 April 2021)

<<https://www.my.gov.sa/wps/portal/snp/content/accessibility>>

'ADHRB Calls on Bahrain and Saudi Arabia to End Abuse of Disabled Persons on International Day of Persons with Disabilities', *Americans for Democracy & Human Rights in Bahrain* (Web Page, December 2018) <<https://www.adhrb.org/2018/12/adhrb-calls-on-bahrain-and-saudi-arabia-to-end-abuse-of-disabled-persons-on-international-day-of-persons-with-disabilities/>>

‘American Academy of Paediatric Dentistry, ‘Management of Dental Patients with Special Health Care Needs,’ (Webpage, 2019-2020) <<https://www.aapd.org/research/oral-health-policies--recommendations/management-of-dental-patients-with-specialhealth-care-needs/>>.

‘Bahrain: Inclusion’, *United Nations Educational, Scientific and Cultural Organization* (Web Page, 12 July 2021) <<https://education-profiles.org/northern-africa-and-western-asia/bahrain/~inclusion>>

‘Bureau of Experts: Bureau History’, *Bureau of Experts at the Council of Ministers* (Web Page, 24 April 2018) <<https://www.boe.gov.sa/en/about/Pages/default.aspx>>

‘Cabinet Approves Authority for Care of People with Disabilities’, *Saudi Gazette* (online, 2018)

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24388&LangID=E>>

‘Disability and Education, UK: 2019’, *Office for National Statistics* (Web Page, 2 December 2019)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilityandeducationuk/2019>>

‘Disability and Health’, *World Health Organization* (Web Page, 24 November 2021)

<<https://www.who.int/news-room/fact-sheets/detail/disability-and-health>>

‘Disability Code’, *King Salman Center for Disability Research* (Web Page, 2019)

<<https://www.kscdr.org.sa/en/disability-code/>>

‘Disturbing Photos of Abuse of Mentally Disabled Patients in a Saudi Centre’, *France 24 Observers* (online, 18 November 2013) <<https://observers.france24.com/en/20131118-photos-abuse-saudi-mentally-disabled>>

‘Employment of Persons with Disabilities’, *Paycheck.pk* (Web Page)

<<https://paycheck.pk/labour-laws/illness-work/employing-disabled-person>>

‘Government Budget’, *GOV.SA* (Web Page, 16 December 2021)

<<https://www.my.gov.sa/wps/portal/snp/aboutksa/governmentBudget>>

‘Healthcare Accessibility for People with a Disability’, *Disability Credit Canada* (Web Page)

<<https://disabilitycreditcanada.com/healthcare-accessibility-disability/>>

‘History of United Nations and Persons with Disabilities – The Early Years: 1945 –1955’, *United Nations Department of Economic and Social Affairs* (Web Page)

<<https://www.un.org/development/desa/disabilities/history-of-united-nations-and-persons-with-disabilities-the-early-years-1945-1955.html>>

‘Human Rights Commission’, *Kingdom of Saudi Arabia Human Rights Commission* (Web Page, 2021) <<https://hrc.gov.sa/en-us/aboutHRC/AboutHRC/Pages/HRCvision.aspx>>

‘Impairments, Activity Limitations, and Participation Restrictions’, *Centers for Disease Control and Prevention* (Web Page, 16 September

2020)<<https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html>>

‘Jeddah: Asian Worker Suspected of Hitting Disabled Saudi’, *Daiji World* (online, 2 October 2010) <<https://www.daijiworld.com/news/newsDisplay?newsID=86814>>

‘Key Statistics’, *Independent Living Movement Ireland* (Web Page) <<https://ilmi.ie/key-statistics/>>

‘KSA Setting Up Commission to Help Disabled People Integrate with Mainstream Society’, *Arab News* (online, 27 May 2018) <<https://www.arabnews.com/node/1310276/saudi-arabia>>

‘National Transformation Program’, *Vision 2030* (Web Page, 2018)

<<https://www.vision2030.gov.sa/v2030/vrps/ntp/>>

‘Outcomes for Disabled People in the UK: 2020’, *Office for National Statistics* (Web Page, 18 February 2021)

<<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/outcomesfordisabledpeopleintheuk/2020>>

‘People with a Disability Less Likely to Have Completed a Bachelor’s Degree’, *Bureau of Labor Statistics* (Web page, 20 July 2015) <<https://www.bls.gov/opub/ted/2015/people-with-a-disability-less-likely-to-have-completed-a-bachelors-degree.htm>>

‘People with Disabilities’, *Bahrain.bh* (Web Page)

<https://www.bahrain.bh/new/en/govsocialsupport-disabilities_en.html>

‘Policies and Legislation Supporting the Employment of Persons with Disabilities in the ESCWA Region’, *United Nations Economic and Social Commission of Western Asia* (Web Page, 2021) <<https://e-inclusion.unescwa.org/node/1443>>

‘Saudi Arabia’s Human Rights Commission Program Seeks to Protect Persons with Disabilities’ *Arab News* (online, 23 December, 2020)

<<https://www.arabnews.com/node/1781966/amp>>

‘Saudi Police Arrested a Driver Who Sexually Harassed a Disabled Girl’, *Life in Saudi Arabia* (Web Page) <<https://lifeinsaudiarabia.net/saudi-police-arrested-a-driver-who-sexually-harassed-a-disabled-girl/>>

‘Students with Disabilities’ *National Center for Education Statistics* (Web page)

<<https://nces.ed.gov/fastfacts/display.asp?id=60>>

‘Tawafuq’, *Human Resource Development Fund* (Web Page, 2019)

<https://www.hrdf.org.sa/Page/Tawafuq_EN>

‘The Judicial System of the Kingdom of Saudi Arabia’, *BSA* (Web Page, 2019)

<<https://bsabh.com/the-judicial-system-of-the-kingdom-of-saudi-arabia/>>

‘The United Nations with Disabilities Chronology: 1945 – 1980’, *United Nations Department of Economic and Social Affairs* (Web Page)

<<https://www.un.org/development/desa/disabilities/the-united-nations-and-persons-with-disabilities-chronology-1945-1980.html>>

‘United Nations Committee on the Rights of the Persons with Disabilities Releases Concluding Observations on the Initial Report of Saudi Arabia’, *Americans for Democracy & Human Rights in Bahrain* (Web Page, 26 April 2019)

<<https://www.adhrb.org/2019/04/united-nations-committee-on-the-rights-of-the-persons-with-disabilities-releases-concluding-observations-on-the-initial-report-of-saudi-arabia/>>

‘What are the Main Efforts Undertaken to Promote and Protect the Rights of Persons with Disabilities?’, *Kingdom of Saudi Arabia Human Rights Commission* (Web Page, 2021)

<<https://hrc.gov.sa/en-us/HumanRightsInSaudi/Pages/disability.aspx>>

‘Who Is the Saudi Shoura Council Member on a Wheelchair?’, *Al Arabiya News* (online, 7 December 2016) <<https://english.alarabiya.net/en/perspective/features/2016/12/07/Who-is-the-Saudi-Shoura-Council-member-on-a-wheel-chair->>>

Alanazi, Mona, ‘Teachers’ and Parents’ Attitudes towards Inclusion in Inclusive Schools in Saudi Arabia’ (PhD Dissertation, University of Warwick, 2012)

- Al-Assaf, Sara, 'An Evaluation of the New Inclusion Model in Saudi Arabia: Teachers' Knowledge and Perspectives' (PhD Dissertation, Edgewood College, 2017)
- Aldakhil, Ali, 'Exploring Inclusion, Disability and the Label of Intellectual Disability: Saudi Teachers' Experiences and Perspectives' (PhD Thesis, University of Sheffield, 2017)
<<https://etheses.whiterose.ac.uk/18174/1/Ali%20Aldakhil%27s%20Thesis%20-%20Final%20Pdf.pdf>>
- Alkhouli, Daliah, 'Employment Policy for People with Disabilities in Saudi Arabia' (PhD Dissertation, Manchester Metropolitan University, 2015)
- Al-Mukhtar, Rima, 'Disabled Students Drop Out Due to Lack of Facilities', *Arab News* (online, 8 April, 2010) <<https://www.pressreader.com/saudi-arabia/arab-news/20100408/281552287050052>>
- Alotaibi, Munirah, 'The Perception of Special Teachers in Saudi Middle and High School about Co-teaching' (PhD Dissertation, State University of New York College at Fredonia, 2017)
- Alsaif, Ahmad S, 'The Rights of Disabled Persons and Discrimination: A Comparative Study in British, American and Saudi Arabian Disability Law' (PhD Dissertation, Newcastle University, 2009) <<https://theses.ncl.ac.uk/jspui/handle/10443/1047>>
- AlSayyari, Majid, 'A Social Cognitive Investigation of People with Physical Disabilities in Saudi Arabia' (PhD Dissertation, School of Education, University of Wollongong, 2016)
- Alshahrani, Basmah Fahad, 'Obstacles to Inclusion of Students with Special Educational Needs (SEN) in Primary Mainstream Girls Schools in the Kingdom of Saudi Arabia (KSA) from the Perspective of Special Education Teachers' (PhD Dissertation, University of Birmingham, 2018)
- Alshamsan, Ohud Mohammed, 'Saudi Teachers' Perceptions of Their Knowledge and Responsibility about the Special Education Principles in Saudi Vision 2030' (PhD Thesis, Concordia University Chicago, 2021)
- American Telemedicine Association, Washington .D.C 'What is Telemedicine?,' (Web page, 21st August 2011) < >.

Ansary, Abdullah F, 'Update: A Brief Overview of the Saudi Arabian Legal System', *GlobaLex* (Web Page, August 2020)

<https://www.nyulawglobal.org/globalex/Saudi_Arabia1.html>

Australian Institute of Health and Welfare, 'People with Disability in Australia 2019: In Brief' (Catalogue No DIS 74, Australian Institute of Health and Welfare, 2019)

Australian Institute of Health and Welfare, 'People with Disability in Australia 2020' (Catalogue No DIS 72, Australian Institute of Health and Welfare, 2020)

<<https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/health/access-to-health-services>>

Badea, Naja, 'Al-Noor Institute Brings Light to the Lives of Blind' *Saudi Gazette* (online, 5 January 2018) <<http://saudigazette.com.sa/article/525529/SAUDI-ARABIA/Al-Noor-Institute-brings-light-to-the-lives-of-blind>>

Binmahfooz, Sarah, 'Saudi Special Education Pre-service Teachers' Perspective Towards Inclusion' (PhD Dissertation, University of South Florida, 2019)

Buckup, Sebastian, *The Price of Exclusion: The Economic Consequences of Excluding People with Disabilities from the World of Work* (Employment Working Paper No 43, International Labour Office, 2009)

Bureau of Labor Statistics, 'Persons with a Disability: Labor Force Characteristics — 2020' (News Release No USDL-21-0316, U.S. Department of Labor, 24 February 2021)

<<https://www.bls.gov/news.release/pdf/disabl.pdf>>

Canadian Human Rights Commission, 'Report on Equality Rights of People with Disabilities' (Catalogue No HR4-20/2012E-PDF, Canadian Human Rights Commission, 2012)

Cologon, Kathy, 'Inclusion in Education: Towards Equality for Students with Disability' (Issues Paper, Children with Disability Australia, 2013) <<https://apo.org.au/node/36129>>

Committee on the Rights of Persons with Disabilities, 'Convention on the Rights of Persons with Disabilities', *United Nations Office of the High Commissioner for Human Rights* (Web Page)

<<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>>

Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Initial Report of Saudi Arabia*, UN Doc CRPD/C/SAU/CO/1 (13 May 2019)

Committee on the Rights of Persons with Disabilities, *Consideration of Reports Submitted by States Parties under Article 35 of the Convention. Initial Reports of States Parties due in 2010: Saudi Arabia*, UN Doc CRPD/C/SAU/1 (16 November 2015)

<https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSAU%2f1&Lang=en>

D'Eath, Maureen et al, *The Experience of People with Disabilities in Accessing Health Services in Ireland: Do Inequalities Exist?* (Report to the National Disability Authority, May 2005)

Department for Education (UK), 'Special Educational Needs in England: 2019' (Report, 4 July 2019)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814244/SEN_2019_Text.docx.pdf>

Department for Work & Pensions, and Office for Disability Issues, *2019 Progress Report on the UK's Vision to Build a Society Which Is Fully Inclusive of Disabled People* (Policy Paper, 14 October 2019) <<https://www.gov.uk/government/publications/disabled-peoples-rights-the-uks-2019-report-on-select-recommendations-of-the-un-periodic-review/2019-progress-report-on-the-uks-vision-to-build-a-society-which-is-fully-inclusive-of-disabled-people>>

Department of Social Services (Cth), 'An Employer's Guide to Employing Someone with Disability' (Fact Sheet, Australian Government, 2014)

<https://www.dss.gov.au/sites/default/files/documents/09_2014/employers_guide_to_employing_someone_with_disability_0.pdf>

Department of Social Services (Cth), 'National Disability Employment Framework Discussion Paper' (Department of Social Services, November 2015)

<https://engage.dss.gov.au/wp-content/uploads/2015/11/disability_employment_framework_discussion_paper_-_final.pdf>

Disability Services Commission, ‘How to Have Your Say: A Guide to Making a Complaint about Services for People with Disability’ (Web Page, Disability Services Australia, 2015) <www.disability.wa.gov.au/Global/Publications/About%20us/Complaints/CL_HOW_TO_HAVE_YOUR_SAY_BROCHURE_2015.pdf>

Disability Services Commission, ‘Putting People First – A Guide to Respectful Terminology when Referring to People with Disabilities’ (Fact Sheet 11, Disability Services Commission 2008)

Disability Services Queensland, ‘A Way with Words: Guidelines for the Portrayal of People with a Disability’ (The State of Queensland, 2005)

Division for Social Policy and Development, United Nations Department of Economic and Social Affairs, ‘Toolkit on Disability for Africa: Culture, Beliefs and Disability’ (United Nations, 2016)

Economic and Social Commission of Western Asia and League of Arab States, ‘Disability in the Arab Region: An Overview’ (Technical Paper E/ESCWA/SDD/2014, 2014) <https://www.unescwa.org/sites/www.unescwa.org/files/page_attachments/disability_in_the_arab_region-_an_overview_-_en_1.pdf>

Edwards, Claire, Gillian Harold and Shame Kilcommins et al, ‘Access to Justice for People with Disabilities as Victims of Crime in Ireland’ (Research Paper, University College Cork February 2012)

Emerson, Eric et al, ‘Intellectual and Physical Disability, Social Mobility, Social Inclusion & Health’ (CeDR Research Report 2009:2, Centre for Disability Research, Lancaster University May 2009)

European Agency for Development in Special Needs Education, ‘Teacher Training for Inclusive Education in Europe—Challenges and Opportunities’ (Report, 2011)

European Blind Union, ‘Spain: Article 27’ (Web Page) <<http://www.euroblind.org/convention/article-27/spain>>

European Commission, *European Disability Strategy 2010–2020: A Renewed Commitment to a Barrier-Free Europe* (Communication from the Commission to the European Parliament,

the Council, the European Economic and Social Committee and the Committee of the Regions, 15 November 2010)

European Union Agency for Fundamental Rights, 'The Right to Political Participation for Persons with Disabilities: Human Rights Indicators' (Report, European Union Agency for Fundamental Rights, 2014)

Gartrell, Adam, "'I Want the Job": 22-Year-Old Greens Jordon Steele-John to Replace Scott Ludlam in Senate', *Sydney Morning Herald* (online, 20 July 2017)

<<https://www.smh.com.au/politics/federal/i-want-the-job-22yearold-greens-jordon-steelejohn-to-replace-scott-ludlam-in-senate-20170720-gxf1q0.html>>

General Authority for Statistics, 'Population Estimates: Disability Survey,' (Web Article, 2017,15) <<https://www.stats.gov.sa/en/43>>.

Ghebreyesus, Tedros Adhanom, 'Health Is a Fundamental Human Right: Human Rights Day 2017', *World Health Organization* (Web Page, 10 December 2017)

<<https://www.who.int/news-room/commentaries/detail/health-is-a-fundamental-human-right>>

Granada Azcárraga, M, M Pomés and S Sanhueza Henríquez, 'Actitud de los profesores hacia la inclusión educativa' ['Teachers' Attitude Towards Educational Inclusion'] (Papeles de Trabajo Centro de Estudios Interdisciplinarios en Etnolingüística y Antropología Socio-Cultural [Working Papers Center for Interdisciplinary Studies in Ethnolinguistics and Socio-Cultural Anthropology] No 25, June 2013)

Hameed, Nada, 'Driver Held in Saudi Arabia after Video Shows his Harassment of Special Needs Girl', *Arab News* (online, 12 March 2018)

<<https://www.arabnews.com/node/1264756/saudi-arabia>>

Hernandez, Karina, 'People with Disabilities Are Still Struggling to Find Employment — Here Are the Obstacles They Face', *CNBC* (online, 3 March 2020)

<<https://www.cnbc.com/2020/03/02/unemployment-rate-among-people-with-disabilities-is-still-high.html>>

Howe, Keran and Jen Hargrave, 'Inquiry into a NDIS Quality Safeguards Framework' (Submission to DSS on behalf of the Disability Reform Council and COAG, Women with Disabilities Victoria, 2015)

<https://www.wdv.org.au/documents/NDIS_Safeguards_2015_WDV.pdf>

Hume, Joan, *Media Guidelines* (Disability Council of NSW 1995)

Inguanzo, Isabel, *The Situation of Indigenous Children with Disabilities* (Report, Policy Department, Directorate-General for External Policies, European Union, 2017)

International Labour Organization and Organization for Economic Co-operation and Development, 'Labour Market Inclusion of People with Disabilities' (Conference Paper, Meeting of the G20 Employment Working Group, 20–22 February 2018)

<https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS_646041/lang--en/index.htm>

International Labour Organization, 'Disability in the Workplace: Company Practices' (Working Paper No 3, International Labour Organization, 2010)

Japan International Cooperation Agency, 'Country Profile on Disability: Kingdom of Saudi Arabia' (Report, March 2002)

<https://ecommons.cornell.edu/bitstream/handle/1813/76489/Kingdom_of_Saudi_Arabia.pdf>

Johnson, Toni and Lauren Vriens, 'Islam: Governing Under Sharia', *Council on Foreign Relations* (Web page, 25 July 2014) <<https://www.cfr.org/backgrounder/islam-governing-under-sharia>>

Kadi, Sara Abdullah, 'Why Does Saudi Arabia Have Fewer Leaders with Disabilities? Changing Perspectives and Creating New Opportunities for the Physically Challenged in Saudi Arabia' (EdD Dissertation, Pepperdine University, 2018)

Khoja, Sara and Sarit Thomas, 'UAE and KSA Introduce Workplace Anti-Discrimination Legislation', *Clyde and Co* (Web Page, January 2020)

<<https://www.clydeco.com/en/insights/2020/01/uae-and-ksa-introduce-workplace-anti-discrimination><https://www.pressreader.com/saudi-arabia/arab-news/20100408/281552287050052>>

Kilcommins, Shane et al, *The Needs and Concerns of Victims of Crime in Ireland* (Report for the Commission for the Support of Victims of Crime, 2010)

Kingdom of Saudi Arabia Human Rights Commission (Website, 2021)

<<https://www.hrc.gov.sa/en-us/pages/home.aspx>>

Korolkova, Julia and Alexandria Anthony, 'Disability Human Rights Clinic: The United Nations Convention on the Rights of Persons with Disabilities and the Right to Support' (Research Report, Melbourne Law School, October 2016)

<https://law.unimelb.edu.au/__data/assets/pdf_file/0020/2225162/DHRC-2016-Support.pdf>

Ministry of Education, 'Ministry Strategy' (Web Page)

<<https://www.moe.gov.sa/en/TheMinistry/AboutMinistry/Pages/MinistryStrategies.aspx>>

Ministry of Health, 'Annual Statistical Book: 2017 G' (Report, Ministry of Health, 2017)

<https://www.moh.gov.sa/en/Ministry/Statistics/book/Documents/ANNUAL-STATISTICAL-BOOK-1438H.pdf>

Ministry of Health, 'About' The Budget of Ministry of Health (Webpage, 26 May 2021)

<<https://moh.gov.sa/en/Ministry/About/Pages/Budget.aspx>>

Ministry of Human Resources and Social Development, 'Digital Certificates Service for Traffic Facilities for People with Disability', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/queries/digital-certificates-service-traffic-facilities-people-disabilities>>

Ministry of Human Resources and Social Development, 'Employment Strategy', *Human Resources and Social Development* (Web Page) <<https://hrsd.gov.sa/en/page/employment-strategy>>

Ministry of Human Resources and Social Development, 'Financial Subsidy Service for People with Disability', *Human Resources and Social Development* (Web Page)

<<https://mlsd.gov.sa/en/electronic-services/financial-subsidy-service-people-disability>>

Ministry of Human Resources and Social Development, 'Medical Equipment Subsidy Service', *Human Resources and Social Development* (Web Page)

<<https://hrsd.gov.sa/en/queries/medical-equipment-subsidy-service>>

Ministry of Human Resources and Social Development, 'Private Day Care Enrolment Service', *Human Resources and Social Development* (Web Page)

<<https://mlsd.gov.sa/en/electronic-services/private-day-care-enrollment-service>>

Ministry of Human Resources and Social Development, 'Regulations and Procedures',

Human Resources and Social Development (Web Page) <<https://hrsd.gov.sa/en/procedures>>

Ministry of Human Resources and Social Development, 'Social Development' (Web Page,

30 April 2020) <<https://hrsd.gov.sa/en/services/613>>

Mitchell, Ben, 'Teladoc Shares Surge 50% in Healthy IPO debut,' (Web Page, USA Today, 2nd July 2015) <>.

Morris, Stuart et al, *Canadian Survey on Disability Reports: A Demographic, Employment and Income Profile of Canadians with Disabilities Aged 15 Years and Over, 2017* (Catalogue

No 89-654-X-No.2018002, Statistics Canada, 28 November 2018)

<<https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2018002-eng.htm>>

National Educational Association of Disabled Students, 'Post-Secondary Students with

Disabilities: Their Experience Past and Present: An Analysis of the Statistics Canada 2012

Canadian Survey on Disability' (Web Page, 2012)

<<https://www.neads.ca/en/about/media/index.php?id=620>>

National Network, 'What Is the Americans with Disabilities Act (ADA)?' (Web Page)

<<https://adata.org/learn-about-ada>>

National People with Disabilities and Carer Council, *Shut Out: The Experience of People*

with Disabilities and Their Families in Australia (National Disability Strategy Consultation Report, 2009)

<https://www.dss.gov.au/sites/default/files/documents/05_2012/nds_report.pdf>

NIDS, 'What is the NDIS?' (Web Page, 14 September 2021)

<<https://www.ndis.gov.au/understanding/what-ndis>>

Office of the United Nations High Commissioner for Human Rights, 'The Right to Health'

(Fact Sheet No 31, Office of the United Nations High Commissioner for Human Rights,

2008) <<https://www.ohchr.org/documents/publications/factsheet31.pdf>>

Organisation for Economic Co-operation and Development, 'Education at a Glance 2019' (Country Note: Saudi Arabia, Organisation for Economic Co-operation and Development 2019) <https://www.oecd.org/education/education-at-a-glance/EAG2019_CN_SAU.pdf>

Organisation for Economic Co-operation and Development, *Sickness, Disability and Work: Breaking the Barriers. A Synthesis of Findings Across OECD Countries* (OECD Publishing, 2010)

Pearman, Victoria, 'Concept of the Ombudsman' (Webinar, AORC/AOMA Facilitated Discussion, 30 March 2021)
<<https://www.theioi.org/downloads/9r7bc/AORC%20Webinar%20-%20Concept%20of%20the%20Ombudsman%20Victoria%20Pearman%20%28Bermuda%29.pdf>>

Powell, Andy, 'Research Briefing: People with Disabilities in Employment' (Briefing Paper No 7540, House of Commons Library, 24 May 2021)
<<https://commonslibrary.parliament.uk/research-briefings/cbp-7540/>>

Prince Salman Center for Disability Research, 'Universal Accessibility Built Environment Guidelines for the Kingdom of Saudi Arabia 1431H - 2010 G' (Guidelines, Prince Salman Center for Disability Research, 2010) <<http://v2.kscdr.org.sa/media/16933/uap-be-en.pdf>>

Prince Sultan City for Humanitarian Services, 'Rehabilitation Programs and Services' (Web Page) <<https://humanitariancity.org.sa/RehabProg/Pages/default.aspx>>

Pring, John, 'Election Post-Mortem: Number of Disabled MPs May Have Fallen to Just Five', *Disability News Service* (online, 19 December 2019)
<<https://www.disabilitynewsservice.com/election-post-mortem-number-of-disabled-mps-may-have-fallen-to-just-five/>>

Rudd, M David, 'Soldiers Need Help with the Emotional Toll of War', *USA Today* (online, 3 March 2010)

Saudi Bar Association (Website) <<https://sba.gov.sa>>

Sijeeni, Amal S, 'Understanding the Experiences of Mothers Caring for Children with Down Syndrome in Saudi Arabia (DHSc Thesis, Queensland University of Technology, 2016)

Socio-Legal Studies Association, *First Re-Statement of Research Ethics* (Socio-Legal Studies Association, 2009)

Statista Research Department, 'Disability Prevalence Rates across Saudi Arabia by Gender 2016', *Statista* (Web Page, 26 August 2020) <<https://www.statista.com/statistics/914979/saudi-arabia-disability-prevalence-rates-by-gender/>>

Statistics Canada, *A Profile of Persons with Disabilities among Canadians Aged 15 Years or Older, 2012* (Catalogue No 89-654-X-No.2015001, 15 February 2017) <<https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2015001-eng.htm>>

Stats NZ, 'Measuring Inequality for Disabled New Zealanders: 2018' (Web Page, 28 October 2020) <<https://www.stats.govt.nz/reports/measuring-inequality-for-disabled-new-zealanders-2018>>

The Embassy of the Kingdom of Saudi Arabia, 'Council of Ministers System' (Web Page) <<https://www.saudiembassy.net/council-ministers-system-0>>

The Embassy of the Kingdom of Saudi Arabia, 'Legal and Judicial Structure' (Web Page) <<https://www.saudiembassy.net/legal-and-judicial-structure-0>>

The Embassy of the Kingdom of Saudi Arabia, 'Majlis Al-Shura (Consultative Council)' (Web Page) <<https://www.saudiembassy.net/majlis-al-shura-consultative-council>>

Toseeb, Umar et al, 'Supporting Families with Children with Special Educational Needs and Disabilities during COVID-19' (Report, 2020) <https://eprints.whiterose.ac.uk/160051/1/Supporting_Families_with_Children_with_Special_Educational_Needs_and_Disabilities_During_COVID19_SUBMITTED.doc>

Trenwith, Courtney, 'Saudi Looks to Put 100,000 Disabled People in Jobs', *Arabian Business* (Web Page, 21 February 2013) <<https://www.arabianbusiness.com/saudi-looks-put-100-000-disabled-people-in-jobs-490450.html>>

Turcotte, Martin, 'Persons with Disabilities and Employment' (Catalogue No 75-006-X, Statistics Canada, 3 December 2014) <<https://www150.statcan.gc.ca/n1/pub/75-006x/2014001/article/14115-eng.htm>>

United Nations Children’s Fund Innocenti Research Centre, ‘Promoting the Rights of Children with Disabilities’ (Innocenti Digest No 13, United Nations Children’s Fund, 2007) <https://www.un.org/esa/socdev/unyin/documents/children_disability_rights.pdf>

United Nations Department of Economic and Social Affairs, ‘Disability Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities—2018’ (United Nations, 2019)

United Nations Development Programme, *Human Development Report 1998* (Oxford University Press, 1998)

<http://hdr.undp.org/sites/default/files/reports/259/hdr_1998_en_complete_nostats.pdf>

United Nations Economic and Social Commission for Western Asia, *Strengthening Social Protection for Persons with Disabilities in Arab Countries* (Report E/ESECA/SDD/2017/2, United Nations, 2017) <<https://reliefweb.int/sites/reliefweb.int/files/resources/social-protection-persons-disabilities-english.pdf>>

United Nations Educational, Scientific and Cultural Organization, ‘Education and Disability: Analysis of Data from 49 Countries’ (Information Paper No 49, United Nations Educational, Scientific and Cultural Organization, March 2018)

<<http://uis.unesco.org/sites/default/files/documents/ip49-education-disability-2018-en.pdf>>

Valeska, David, ‘Crossing Divides and Seeing the Whole: An Integrated View of Cultural Difference and Economic Disadvantage in Regional Human Rights Courts’ (PhD Thesis, Ghent University, 2018)

Weekse, Alexander et al, ‘Field Specific KPI—An Innovative Approach to Drilling Performance Management’ (Conference Paper, SPE/IADC Middle East Drilling Technology Conference & Exhibition, 7 October 2013)

Weiwei, Lie, ‘Equality and Non-Discrimination Under International Human Rights Law’ (Research Notes 03/2004, The Norwegian Centre for Human Rights, 2004)

<<https://www.jus.uio.no/smr/english/about/programmes/china/avpublisert/china-old-documentation-only/publications/0304.pdf>>

World Bank, ‘World Development Report 2016: Digital Dividends’ (Report, World Bank, 2016) <<https://www.worldbank.org/en/publication/wdr2016>>

World Health Organization and the World Bank, 'World Report on Disability 2011' (Report, World Health Organization, 2011) <https://www.who.int/disabilities/world_report/2011/report/en/>

World Wide Web Consortium, 'Web Content Accessibility Guidelines (WCAG) 2.0' ed Ben Caldwell et al (Web Page, 11 December 2008) <<https://www.w3.org/TR/WCAG20/>>

Yousef, Reemah, 'Disability, Social Work and Social Exclusion: New Strategies for Achieving Social Inclusion of People with Physical Disabilities in the Kingdom of Saudi Arabia' (PhD Dissertation, University of Salford, 2019) <<https://usir.salford.ac.uk/id/eprint/50530/1/Final%20PhD%20Thesis%20Reemah%20Yousef.pdf>>