

Protections for Equal Rights In Constitutions Worldwide

The equal rights of all are foundational to democracy. Around the world, national constitutions play a crucial role in establishing equal rights and protections against discrimination—yet their scope and comprehensiveness varies markedly. Although broad equal rights provisions have had some important impacts, more specific guarantees tend to offer stronger and more consistent protections. **This brief assesses protections for equal rights in the constitutions of all 193 UN member states as of 2024, with particular attention to whether, and how, constitutions address common forms of discrimination.** We also examine progress in rights over time and their potential to have impact—even in the context of threats, volatility, or backlash.

Equal Rights on the Basis of Gender

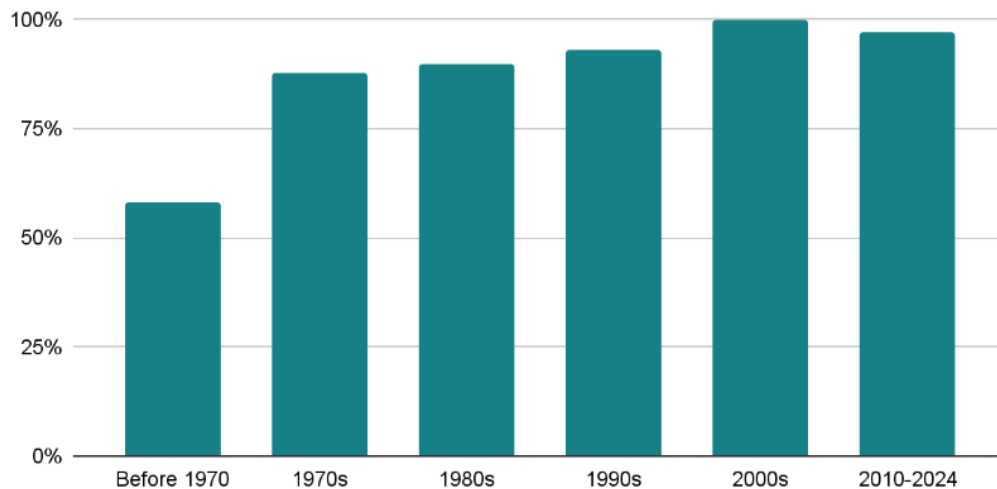
The vast majority of countries worldwide—86%—take some approach to guaranteeing equal rights on the basis of sex and/or gender¹. While most of these countries include sex or gender in their overall equal rights provisions, some also include standalone provisions or articles specifically addressing women’s rights. For example:

- **Uzbekistan** guarantees that “Women and men shall have equal rights. The State shall ensure equal rights and opportunities for women and men in the administration of public and state affairs and in other spheres of social and state life.”
- **Germany**, which amended its constitution to more strongly address gender equality in 1994, provides that “Men and women are equal. The state supports the effective realization of equality of women and men and works towards abolishing present disadvantages.”
- **Zimbabwe** provides that “Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social spheres,” and also has a full article on “gender balance.”

The **US** remains a notable exception. While the Equal Rights Amendment has met all legal requirements to be added to the US Constitution, political barriers remain to its [publication](#) and implementation. Although countries like the US with older constitutions are less likely to protect gender equality, countries with similarly old constitutions, such as **Luxembourg**, have added gender equality provisions by amendment.

¹ In this brief, references to “equal rights” provisions in constitutions include guarantees of equal rights, equality before the law, equal enjoyment of rights, and non-discrimination on the specified grounds. More details on methodology are available [here](#).

Equal Rights on the Basis of Gender by Decade of Constitutional Adoption



In countries where sex-specific equal rights provisions are in place, they have made a difference on a wide range of issues that matter to gender equality. For example:

- In **Germany, Spain, and South Africa**, gender equality provisions have helped advance paid parental leave policies that are more gender equitable and inclusive of a range of family types.²
- In **Nepal**, advocates invoked the constitution’s gender equality provision to strengthen protections against marital rape.
- In **Mexico**, the Constitutional Court cited the gender equality provision in its decision decriminalizing abortion.

Nevertheless, some countries also include exceptions that undermine women’s equal rights. In 14 countries, the constitution specifies that customary or religious law can take precedence over gender equality in at least some legal areas, such as family law.

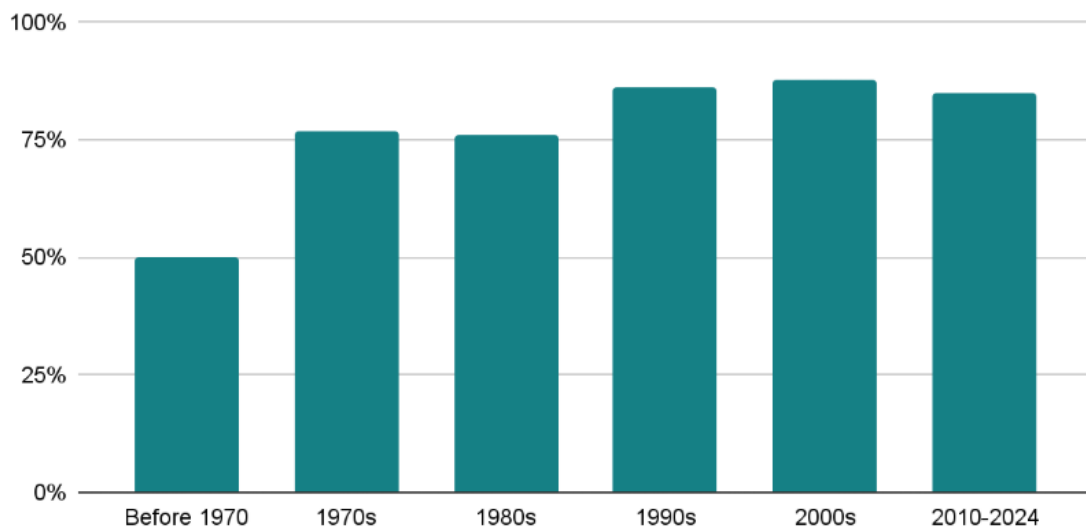
Equal Rights on the Basis of Race, Ethnicity, and Language

Most countries, 76%, explicitly guarantee equal rights on the basis of race and/or ethnicity. While most countries simply include race in their overall equality provision, a small number also address specific issues like segregation and the historical legacy of state-sponsored racism. For example, the constitution of **Namibia** provides that “The practice of racial discrimination and the practice and ideology of apartheid from which the majority of the people of Namibia have suffered for so long shall be prohibited and by Act of Parliament such practices, and the propagation of such practices, may be rendered criminally punishable.”

² Unless otherwise linked, cases referenced in this brief are detailed in [Advancing Equality: How Constitutional Rights Can Make a Difference Worldwide](#) (UC Press, 2020) (open access).

In addition, 43% of countries prohibit discrimination based on language, which closely intersects with racial and ethnic discrimination in some settings.

Equal Rights on the Basis of Race by Decade of Constitutional Adoption



These provisions have helped invalidate a range of discriminatory practices:

- In **Hungary**, the constitution’s protections against racial discrimination helped desegregate education in a town that had put Roma children in separate schools.
- In **Mexico**, the constitution’s protections against discrimination based on language provided the foundation for reforming a telecommunications law that only allowed for broadcasts in Spanish.
- In **Colombia**, the constitution’s protections against racial discrimination provided the basis for a remedy for an Afro-Colombian worker who had faced persistent racial harassment at work.

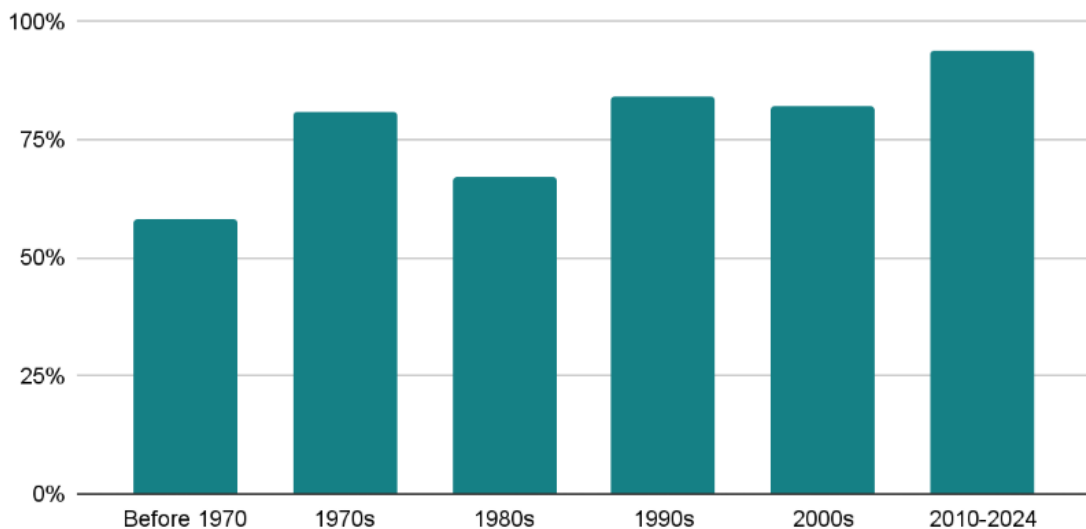
Equal Rights on the Basis of Religion or Belief

A substantial majority of countries, 78%, guarantee equal rights on the basis of religion or belief, while nearly all—96%—protect freedom of religion. Around a quarter of countries also protect the freedom to not believe, practice, or disclose a religion. For example:

- **Cape Verde**: “Freedom of conscience, religion and worship shall be inviolable, and everyone shall have the right, individually or collectively, to profess or not a religion, to have a religious conviction of his or her choice, to partake in worship and to express his or her faith freely and to spread his or her doctrine or conviction, as long as he or she does not infringe the rights of others or the common good.”

- **Czech Republic:** “The freedom of thought, conscience, and religious conviction is guaranteed. Everyone has the right to change her religion or faith or to have no religious conviction.”
- **Nicaragua:** “Every person has the right to freedom of conscience, thought, and to profess or not profess a religion. No one may be subjected to coercive measures that could impair these rights, nor be compelled to declare their creed, ideology, or beliefs.”

Equal Rights on the Basis of Religion by Decade of Constitutional Adoption



At the same time, countries’ approaches to religion are complex and at times contradictory. For example, nearly 1 in 10 constitutions guarantees freedom of religion but also establishes a state religion that governs some aspects of public or private life. Even among countries with constitutions that include a specific commitment to secularism, nearly half include some provisions privileging a particular religion or religion generally.

Equal Rights on the Basis of Citizenship and Foreign National Origin

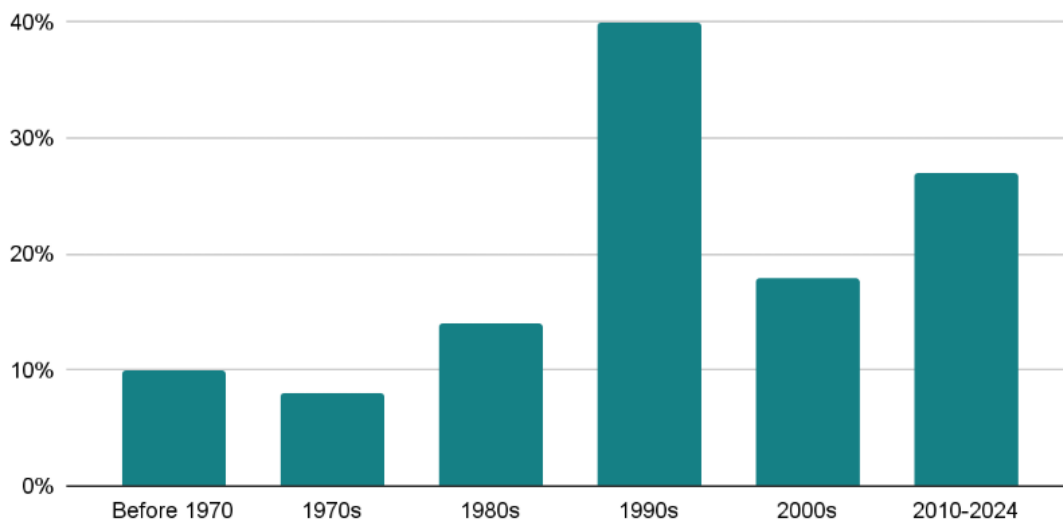
Discrimination against immigrants is escalating globally. Just 22% of constitutions explicitly guarantee equal rights or prohibit discrimination for non-citizens; however, 59% guarantee equal rights regardless of foreign national origin. Moreover, many countries guarantee equal rights in broad language—e.g., “all people” or “everyone”—rather than limiting rights to “citizens.” Both approaches have helped protect immigrants’ fundamental rights.

For example:

- In **Serbia**, a train station’s refusal to sell tickets to asylum seekers was held to violate the constitution’s guarantee of equality based on nationality, as well as the constitutional right to asylum.
- In **South Africa**, the Constitutional Court cited the use of “everyone” in the constitution’s article on social security to invalidate a law excluding permanent residents—who had paid into the system for decades—from accessing benefits.
- In the **U.S.**, a 1982 Supreme Court case established that the Equal Protection Clause applies to “persons,” not “citizens,” in a critical decision upholding undocumented children’s access to education—a precedent with [renewed importance](#) in the current moment.

However, 16% constitutions explicitly reserve full equality for citizens or allow for restrictions on the right to equality for non-citizens. An additional 27% of constitutions guarantee equal rights using citizenship language, which may be interpreted to exclude non-citizens. Luxembourg, for example, provides that “Luxembourgers are equal before the law.”

Equal Rights on the Basis of Citizenship by Decade of Constitutional Adoption



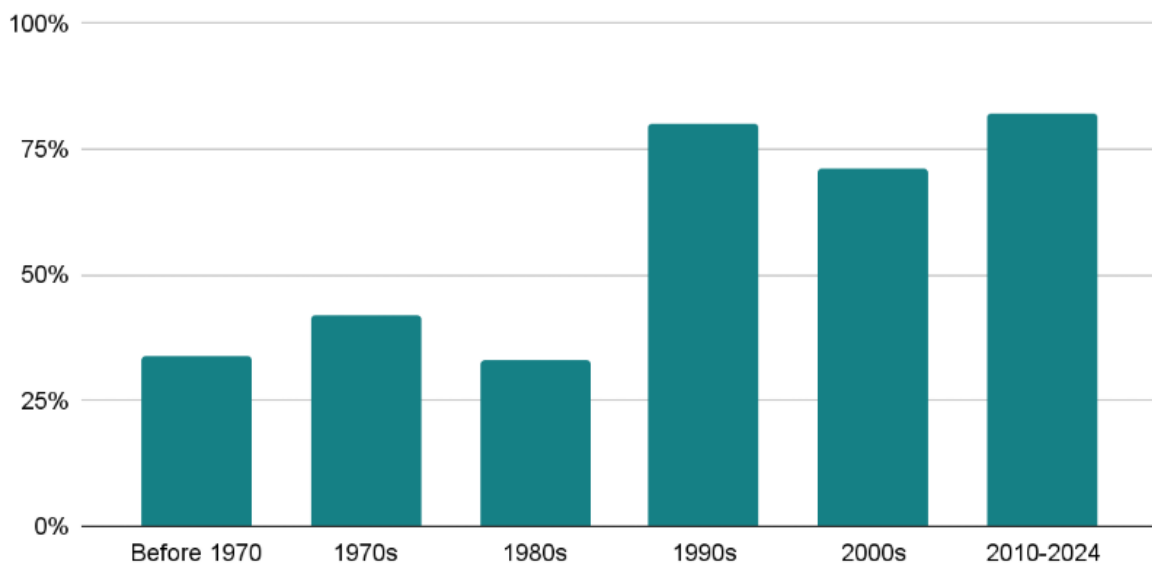
Constitutional protections for the rights of non-citizens may also be important tools for advocacy in contexts of hostility toward immigrants or regression on immigrants’ rights. In South Africa, for instance, activists and legal organizations have been [invoking](#) the constitution’s protection against discrimination based on citizenship to address xenophobic violence and the government’s responsibility to stop it.

Equal Rights on the Basis of Socioeconomic Status

Sixty percent of constitutions take some approach to prohibiting discrimination on the basis of socioeconomic status. Terms used vary widely. For example:

- **Bolivia:** “the State prohibits and punishes all forms of discrimination based on... economic or social condition, type of occupation, [and] level of education.”
- **Portugal:** “No one shall be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry...education, [or] economic situation.”
- **Nepal:** “No person shall be subjected to any form of untouchability or discrimination in any private and public places on grounds of his or her origin, caste, tribe, community, profession, occupation or physical condition.”

Equal Rights on the Basis of Socioeconomic Status by Decade of Constitutional Adoption



These provisions have had impact across countries:

- In an early case from **India**, the High Court of Calcutta ruled that a barber’s refusal to serve customers from lower castes violated the new constitution’s protections against caste discrimination.
- In **Kenya**, the High Court ruled that two women who were detained in a hospital after giving birth due to inability to pay their bills had been unconstitutionally discriminated against based on their economic status.
- In **Belgium**, the constitution’s equality provision and guarantee that “no class distinctions exist in the state” provided the foundation for a court ruling equalizing access to paid sick leave by blue and white collar workers.

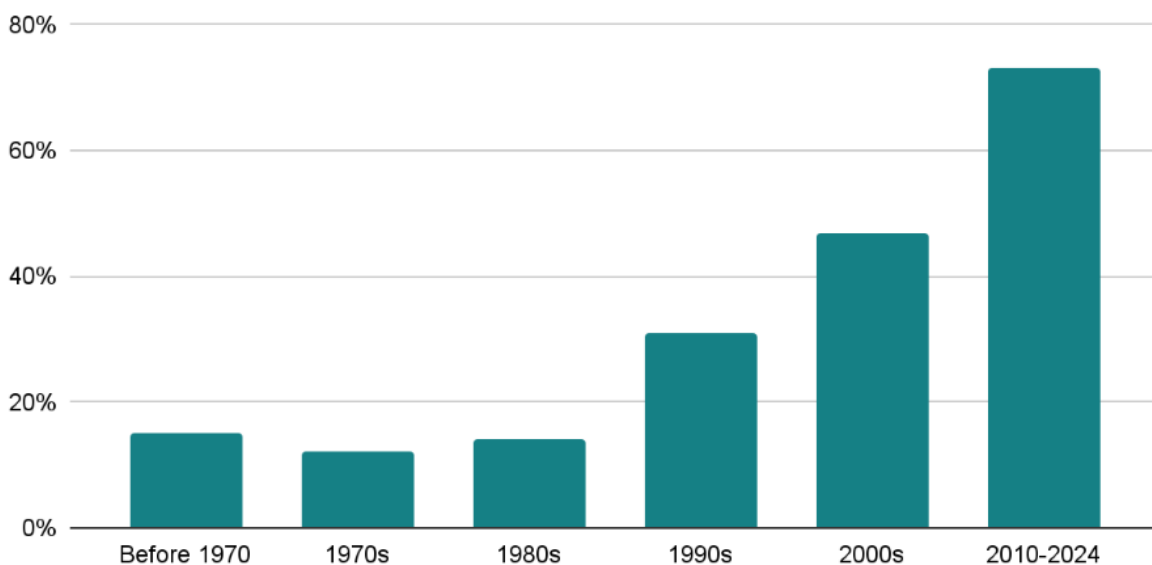
Nevertheless, guarantees of equal rights on the basis of SES are no substitute for the social and economic rights that are foundational to equal opportunities in practice—including the rights to [health](#), [education](#), and [social protection](#).

Equal Rights on the Basis of Disability

Just 32% of constitutions explicitly guaranteed equal rights on the basis of disability as of 2024. However, there has been a marked increase in constitutional guarantees of rights for persons with disabilities since the adoption of the 2006 Convention on the Rights of Persons with Disabilities, particularly among newly adopted constitutions. Nearly three out of four constitutions adopted since 2010 have guaranteed equal rights for persons with disabilities. Some constitutions also include more detailed articles or provisions on the rights of people with disabilities. For example:

- **Georgia:** “The State shall create special conditions for persons with disabilities to exercise their rights and interests.”
- **Spain:** “Public authorities shall promote policies that guarantee the full personal autonomy and social inclusion of persons with disabilities, in universally accessible environments. They shall also encourage the participation of their organizations, in the terms established by law. Particular attention shall be paid to the specific needs of women and minors with disabilities.”
- In **Zambia**, the constitution includes a definition of disability that acknowledges the role of socially constructed barriers, consistent with modern understandings of disability: “[D]isability’ means a permanent physical, mental, intellectual or sensory impairment that alone, or in combination with social or environmental barriers, hinders the ability of a person to fully or effectively participate in an activity or perform a function.”

Equal Rights on the Basis of Disability by Decade of Constitutional Adoption



A significant share of constitutions also take some approach to guaranteeing the rights to education (33%), work (25%), and health (24%) for people with disabilities. Collectively, these rights have made a difference in countries including:

- **Brazil**, where the Supreme Court held that the constitution created a duty for public and private schools alike to provide inclusive education.
- **Slovenia**, where the Supreme Court found that the failure to provide access to court documents in Braille was unconstitutional discrimination.

Still, some constitutions also open the door to discrimination. For example, 19% of constitutions allow for restrictions on the right to liberty for mental health conditions. Some constitutions limit the right to vote or hold office.

Equal Rights on the Basis of Sexual Orientation and Gender Identity

In 1996, South Africa became the first country in the world to prohibit sexual orientation discrimination in its constitution; by 2024, 11 countries did so, spanning all regions of the globe. A small but growing number of constitutions, 5 as of 2024, explicitly address discrimination based on gender identity. These provisions have helped advance important court rulings and additional legislation:

- In **Mexico**, the constitution's guarantee of equal rights regardless of sexual orientation led to a landmark case invalidating state-level bans on same-sex marriage.
- Three years after **Cuba** adopted a new constitution guaranteeing equal rights regardless of sexual orientation or gender identity, the legislature followed up with a landmark new Family Code that legalized same-sex marriage and adoption and broadly strengthened gender equality.

Still, while countries are increasingly adopting constitutional provisions protecting equal rights for LGBTQ+ communities, explicit restrictions on rights are also on the rise. Seven percent of constitutions deny or allow legislation to deny same-sex couples the right to marry, and all of these provisions were enacted since 2000; another 10% explicitly define marriage as between a man and a woman.

Indirect Discrimination

Protecting against discrimination even when it is not intentional or explicit is critical to the ability of equality provisions to advance equal rights in practice. Yet when constitutional equal rights clauses are silent on whether they extend to “indirect” or “disparate impact” discrimination, courts may limit their scope—as the [US Supreme Court](#) famously did in 1976. A small share of countries specifically address indirect discrimination in their equal rights provisions, including some that drew [inspiration](#) from the risks of the US approach.

For example:

- The constitution of **Kenya** provides that “The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.”
- **Fiji**’s constitution states that “A person must not be unfairly discriminated against, directly or indirectly on the grounds of his or her...actual or supposed personal characteristics or circumstances, including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy.”

Multiple and Intersectional Discrimination

A small number of countries include language in their equal rights provisions recognizing that discrimination can occur on more than one basis simultaneously. In **South Africa**, for example, the equal rights provision protects against discrimination on “one or more grounds”--language referenced by the Constitutional Court invoked in a [landmark case](#) strengthening the rights of domestic workers, which explicitly recognized intersectionality and acknowledged that “multiple axes of discrimination are relevant to the case of domestic workers.”

South Africa is also among the 21% of countries that use open-ended language to guarantee equal rights –e.g., “or any other status”--to make clear that the constitution provides protection against forms of discrimination beyond those specifically enumerated.

Affirmative Measures

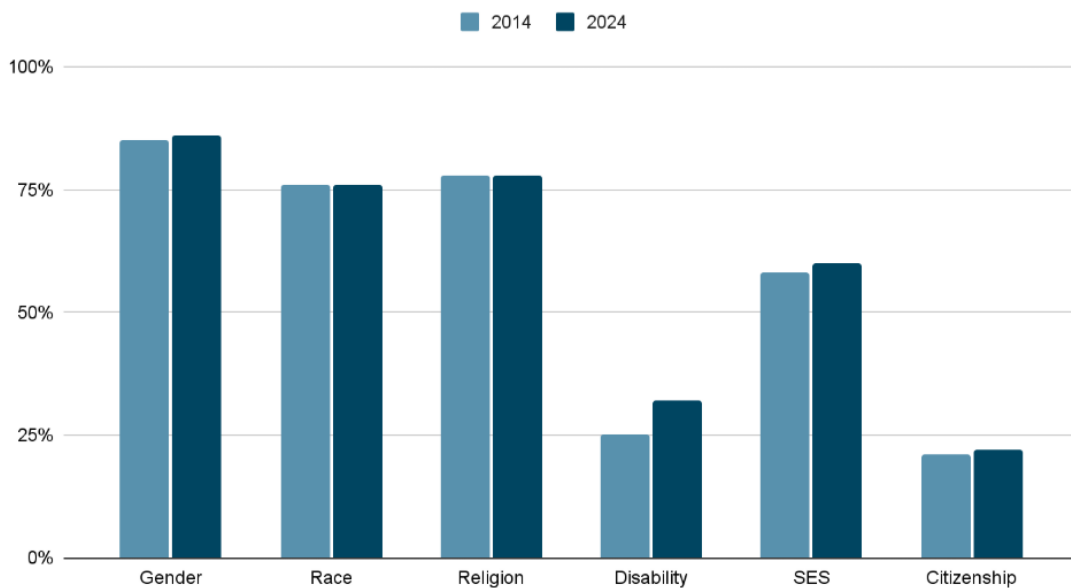
In many countries around the world, the constitution’s equal rights provision expressly acknowledges how historic discrimination has given rise to present-day inequalities. Seventeen percent of constitutions make clear that affirmative measures to account for past discrimination and exclusion on the basis of race do not violate the equality guarantee. Similarly, 28% permit affirmative measures on the basis of gender. For example:

- **Kenya**: “To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.”
- **Greece**: “Adoption of positive measures for promoting equality between men and women does not constitute discrimination on grounds of sex. The State shall take measures for the elimination of inequalities actually existing, in particular to the detriment of women.”
- **Seychelles**: equal protection “shall not preclude any law, programme or activity which has as its object the amelioration of the conditions of disadvantaged persons or groups.”

How Have Protections for Equal Rights Changed Over Time?

More recently adopted constitutions are far more likely than those adopted in decades past to include comprehensive protections for equal rights. However, there has been little change over the past decade in constitutional protections.

Constitutional Protections for Equal Rights: 2014 to 2024



Why Constitutional Equal Rights Matter in This Moment

While the equal treatment of all is core to human rights, widespread [evidence](#) indicates that this commitment is going unrealized. Moreover, over the past several years, new laws that explicitly discriminate against certain groups have been passed in numerous countries, from [Russia](#) to [Argentina](#) to the [United States](#). Increases in discrimination are closely [linked](#) to the rise in authoritarianism and growing restrictions on civic space across much of the world—and historically, state efforts to strip rights from specific groups have preceded mass oppression and even atrocities. Against this backdrop, strong guarantees of equal rights in national constitutions are more important than ever. Constitutional rights can provide a tool for countering regression, overturning discriminatory laws, and maintaining equality as a normative ideal—even in the context of widespread democratic [backsliding](#). ■