



Access to Information for Persons with Disabilities in Selected Jurisdictions

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Comparative Summary

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I. Introduction

This multinational report covers the right of access to information for persons with disabilities in the selected jurisdictions of **Brazil, Canada, China, Colombia, the Democratic Republic of the Congo, Denmark, Egypt, El Salvador, England, France, Germany, India, Israel, Italy, Japan, Kenya, Malta, New Zealand, Norway, Portugal, Russia, Saint Vincent and the Grenadines, Saudi Arabia, South Korea, Spain, Switzerland, and Taiwan.**

The World Health Organization estimates that 1.3 billion people experience significant disabilities and that 2.2 billion experience blindness and vision impairment.¹

This report surveys how the rights of persons with disabilities are protected, notably, if a jurisdiction's constitution (written or unwritten) specifically protects persons with disabilities. It describes the rights to information, in particular legal information, access to justice, and culture, and includes current legislative proposals as they concern persons with disabilities. The report also surveys which jurisdictions offer publicly funded libraries that specifically serve the blind and visually impaired. The report does not comprehensively address legislation on other issues related to persons with disabilities, including the right to work and antidiscrimination legislation.

II. Legal Framework

A. Constitutional Protections

Most of the surveyed jurisdictions protect persons with disabilities explicitly in their constitutions (see map on page 7), including **Brazil, Canada, China, Columbia, Denmark, the Democratic Republic of Congo, Egypt, Germany, India, Kenya, Malta, Portugal, Russia, Saudia Arabia, Spain, Switzerland, and Taiwan.**

While not all jurisdictions surveyed have written constitutions, for example, **England and New Zealand**, these jurisdictions also offer constitutional protections to persons with disabilities. **New Zealand's** constitutional instruments explicitly include disability as a prohibited ground of discrimination, while in **England** discrimination on any ground is prohibited.

In jurisdictions where persons with disabilities are not mentioned explicitly, they are generally considered to be protected by reference to international human rights or specific agreements, such

¹ WHO, *Disability*, <https://perma.cc/9Z65-NJR3>; WHO, *Blindness and Visual Impairment*, <https://perma.cc/AJR4-88QX>.

as the European Convention on Human Rights,² or the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD).³ Such jurisdictions include **France, Israel, Italy, Japan, and Norway**.

A few jurisdictions surveyed also protect sign language as an official language, for example, **Kenya and New Zealand**.

B. International Obligations

1. Convention on the Rights of Persons with Disabilities

All jurisdictions surveyed have ratified the CRPD, or in the case of **Taiwan**, which is not a member of the UN, has adopted it through domestic law. (See the map on surveyed jurisdictions on page 8 and the timeline of CRPD ratification on page 9.) Several jurisdictions have also ratified the optional protocol,⁴ or are in the process of doing so. These include **Canada, the Democratic Republic of Congo, Denmark, England** (as part of the United Kingdom), **France, Germany, Italy, Malta, New Zealand, Portugal, and Spain**. However, as noted in some individual reports, ratification of the convention does not necessarily mean that the jurisdiction is living up to all the duties of the convention, which include a duty to provide access to information. Specifically, Article 21 of the CRPD, addressing freedom of expression and opinion as well as access to information, states that

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;

² Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.C. 221, <https://perma.cc/367L-NRVY>.

³ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

⁴ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2518 U.N.T.S. 283, <https://perma.cc/H8V4-CJKY>.

- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

As specifically noted in the survey for **Denmark**, where a bid to incorporate the CRPD into domestic law failed, the convention applies and can be referenced in court without domestic legislation incorporating the law.

2. *Marrakesh Treaty*

Of the jurisdictions surveyed, most have signed on to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty)⁵ (see map on page 10), including **Brazil, Canada, China, El Salvador, England, India, Israel, Italy, Japan, Kenya, Malta, New Zealand, Norway, Portugal, Russia, Saint Vincent and the Grenadines, Saudi Arabia, South Korea, and Switzerland**. As members of the European Union (EU), which signed the Marrakesh Treaty in its own right, **Denmark, France, Germany, Italy, Portugal, and Spain** are also subject to the treaty, which the EU ratified in 2018 and became a party to on January 1, 2019. The Marrakesh Treaty facilitates access to Braille books, audiobooks, and other accessibility copies of published works, by exempting the creation of such accessibility copies from the rules on copyright.

The jurisdictions surveyed that have not ratified the Marrakesh Treaty include **Colombia, the Democratic Republic of Congo, and Egypt**. **Taiwan** has amended its copyright law to better align with the Marrakesh Treaty, but it is not formally a signatory.

3. *United Nations Sustainable Development Goals*

The UN Millenium Development Goals (MDGs) were adopted in 2000 to be achieved by 2015, and were superseded by the Sustainable Development Goals (2030 Agenda for Sustainable Development) (SDG) in 2015. The SDG includes goals specifically for persons with disabilities. For example, Goal 10.2, also known as SDG 10.2, provides that jurisdictions should, “[b]y 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.”⁶ To this end, some jurisdictions surveyed, including **Canada and Israel**, have developed frameworks to track progress.

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

Most jurisdictions surveyed have stand-alone legislation that specifically addresses the rights of persons with disabilities and incorporates the rights and duties, including the right to information, of the CRPD into its national legislation. Several jurisdictions, such as **Germany and Spain**, also

⁵ WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154, <https://perma.cc/XD3B-926S>.

⁶ United Nations, Goal 10 Reduce Inequality Within and Among Countries, <https://perma.cc/3JLA-MY8G>.

have government bodies that monitor compliance with these laws. A map of jurisdictions with legislation specifically regulating the right to information for persons with disabilities appears on page 11.

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

Of the jurisdictions surveyed, a majority publicly fund a designated library or dedicated division or service that specifically caters to persons with sight disabilities and other print disabilities, such as dyslexia, including **China, Denmark, Egypt, France, Germany, India, Italy, Kenya, New Zealand, Norway, Russia, Switzerland, and Taiwan**. (See map on page 10.)

The jurisdictions that do not provide a designated library typically still deliver services specifically to persons who are blind or print disabled, including by providing access to Braille books, reading services, and audiobook services. For example, **Israel** mandates that every public library must provide Braille and print-assisted services (such as audiobooks). Moreover, several jurisdictions have nongovernmental organizations or charities that operate libraries specifically catering to persons with print and visual disabilities, both in lieu of a state-run library and in addition to state-run libraries, including **Brazil, Canada, Germany, Israel, and New Zealand**.

Many of these publicly or privately funded libraries also participate in regional or international exchanges for delivery of Braille books and services, such as the Accessible Books Consortium, or provide access to the online library Bookshare, which is based in the United States.⁷ For example, in **Norway**, the Tibi Library is part of the Accessible Books Consortium and also pays the fees associated with its users' member accounts on Bookshare.

While these libraries typically offer services for Braille books, transcript services, and audiobooks, there are also other services tailored to persons with visual disabilities. For example, the Swiss library for the blind, visually impaired and print disabled provides Braille Lego blocks.

A number of jurisdictions, including **Denmark** and **Norway**, have recently changed the name of their blind and print disability designated libraries to highlight that they now also provide services for persons with other print disabilities, such as dyslexia.

Additionally, jurisdictions that have not signed on to the Marrakesh Treaty, including **China** and **Egypt**, provide specific services, such as Braille books, reading assistance, and transcription services to print-disabled persons.

⁷ See *Accessible Book Consortium*, WIPO, <https://perma.cc/X5GD-Z9KA>; *Bookshare*, Bookshare.org, <https://perma.cc/J4TT-WGYV>.

Jurisdictions without a designated library for persons with visual and print disabilities operated with either public or private funds include **Colombia**, the **Democratic Republic of the Congo**, and **Saudi Arabia**.

2. *Public Legal Information*

The right of persons with disabilities to access public legal information, such as parliamentary proceedings, is often regulated as a part of the public's duty to supply information to its citizenry, for example, through public access laws or the right to access public archives. In practice, ensuring universal access to such information includes using closed captioning of web-broadcast parliamentary hearings or live sign-language interpretations (for the right to sign-language interpretation see, for example, **Kenya** and **New Zealand**). Other examples of accessibility access include **France**, which has created a digital services platform that allows for collaboration with EU and Marrakesh Treaty countries. The **Democratic Republic of Congo** has adopted legislation specifically providing that persons with disabilities have the right to access public information.

Moreover, accessibility laws covering internet access also apply, requiring that public entities provide websites and online applications that can be accessed by persons who are blind or print disabled, for example, in **Canada**, **Egypt**, **Israel**, and **Russia**. Additionally, the EU has adopted legislation that creates a duty to provide such access in its member countries (in this report, **Denmark**, **France**, **Germany**, **Portugal**, and **Spain**) and European Economic Area countries (in this report, **Norway**).

Kenya also guarantees public legal representation by designating a fixed number of seats in the National Assembly and Senate to persons with disabilities.

A map on legislation protecting parliamentary access appears on page 12.

B. Right to Access to Justice

The right to justice is typically found in the respective jurisdictions' constitutions and judicial procedural acts, and includes both rights to physically attend premises and a right to information. Such rights include, for example, the right to be able to present a defense, take part in judicial proceedings, and access judicial information. In practice, honoring these rights has included providing sign language interpretation (**Kenya**), a designated consultant with expertise in the person's disability (**Denmark**), making available documents in a manner that they can be used as with text-to-speech technology (**Japan**), legal aid (**India**), or regulating how a witness with a disability should be heard (**Canada**). A map of jurisdictions with legislation explicitly protecting access to courts appears on page 13.

C. Right to Culture

The right to enjoy culture is guaranteed in domestic legislation in a number of ways ranging from the right to visual or audio aids at public and private museums, to public funding or aid to participate in cultural activities, to specific programs meant to aid persons with disabilities in creating their own cultural expressions. Specific legislation and initiatives with regard to culture

and disabilities have been adopted in, among other jurisdictions, **India, Israel, Japan, New Zealand, and Russia.**

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

Of the jurisdictions surveyed, **Brazil** has the greatest number of pending legislative proposals (over 1,000) that affect persons with disabilities.

A few jurisdictions have constitutional amendments pending that affect the rights of persons with disabilities. In **Switzerland**, a proposed amendment to the constitution has received the required 100,000 voter signatures to be put to a national referendum. The amendment would expand the disability rights paragraph in the Swiss Constitution requiring that persons with disabilities be provided equality “both in law and practice” in all areas. Similarly, **Spain** is considering reform of article 49 of its constitution, thereby enshrining the expression “disabled person” expressly in the text. In **Kenya**, a proposal for changing the constitution would expand the number of seats reserved in the National Assembly and Senate to attain a greater representation of persons with disabilities, at minimum, 5%.

Disability-specific legislation is pending in several jurisdictions. For example, **Colombia** currently has seven different proposals under consideration. One would specifically address the needs of persons with autism or autistic syndrome, by guaranteeing them access to programs and services, among other things, and another would target the needs of persons with amyotrophic lateral sclerosis. Other jurisdictions are addressing these disability-specific issues through policy strategies. For example, **Spain** is developing and implementing an Action Plan of the National Strategy on Autism Spectrum Disorder.

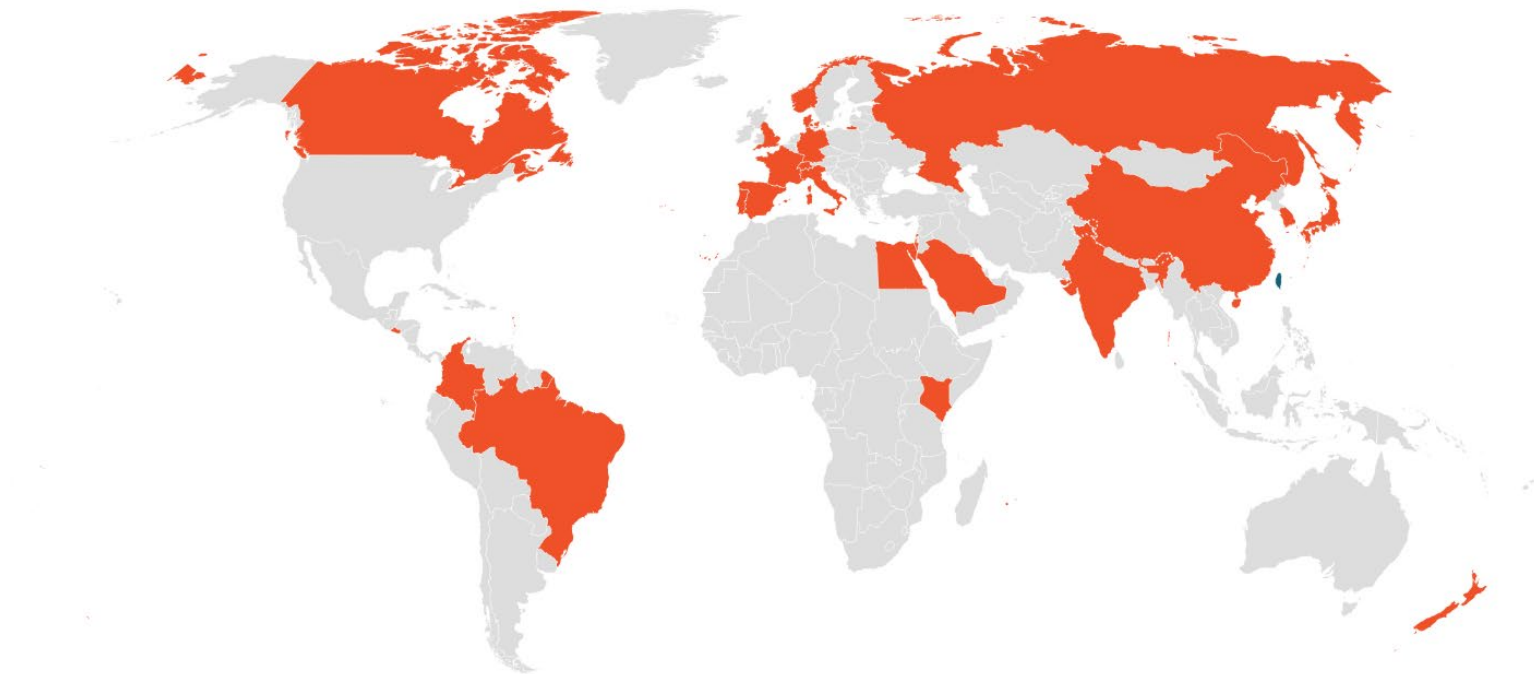
Several jurisdictions are also updating their main legislation that protects persons with disabilities. For example, in **Germany**, an amendment to the Federal Act on Equal Opportunities for Person with Disabilities is pending. In **New Zealand**, a bill on accessibility was introduced but is not currently being progressed, and disability advocates have called on the government to introduce a new bill that contains enforceable standards.

Several jurisdictions are also in the process of approving or adopting the Optional Protocol to the Convention on the Rights of Persons with Disabilities, including **Colombia. Norway**, which has not adopted the optional protocol, is in the process of incorporating the CRPD in its Human Rights Act.

Saint Vincent and the Grenadines has legislation pending on the implementation of the Marrakesh Treaty on how to regulate the limitations and exceptions to copyright law to facilitate access to published works for persons with sight disabilities.

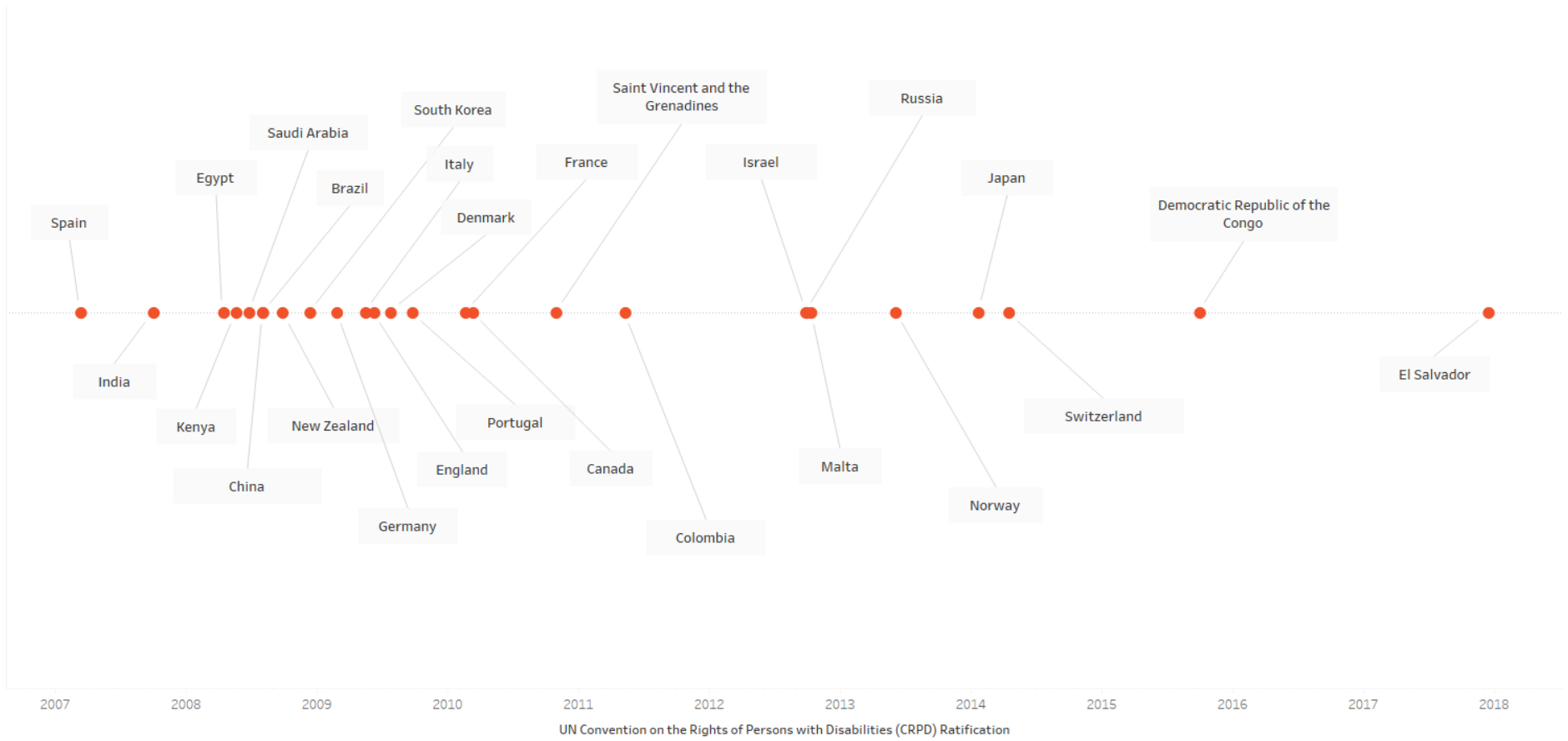
Surveyed Jurisdictions Ratifying the CRPD

■ Yes ■ Adopted through domestic law



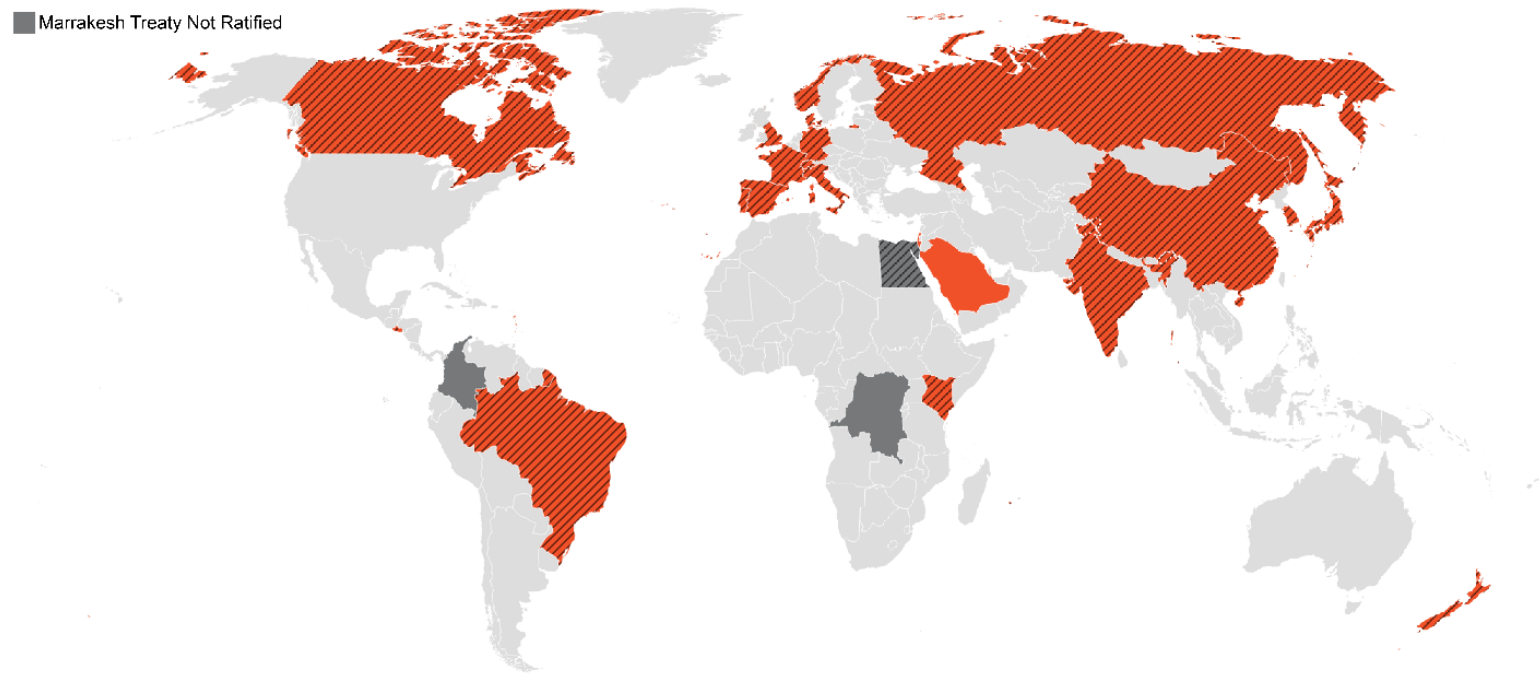
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Timeline of CRPD Ratification



Surveyed Jurisdictions Ratifying Marrakesh Treaty and Those with NLS-Style Libraries

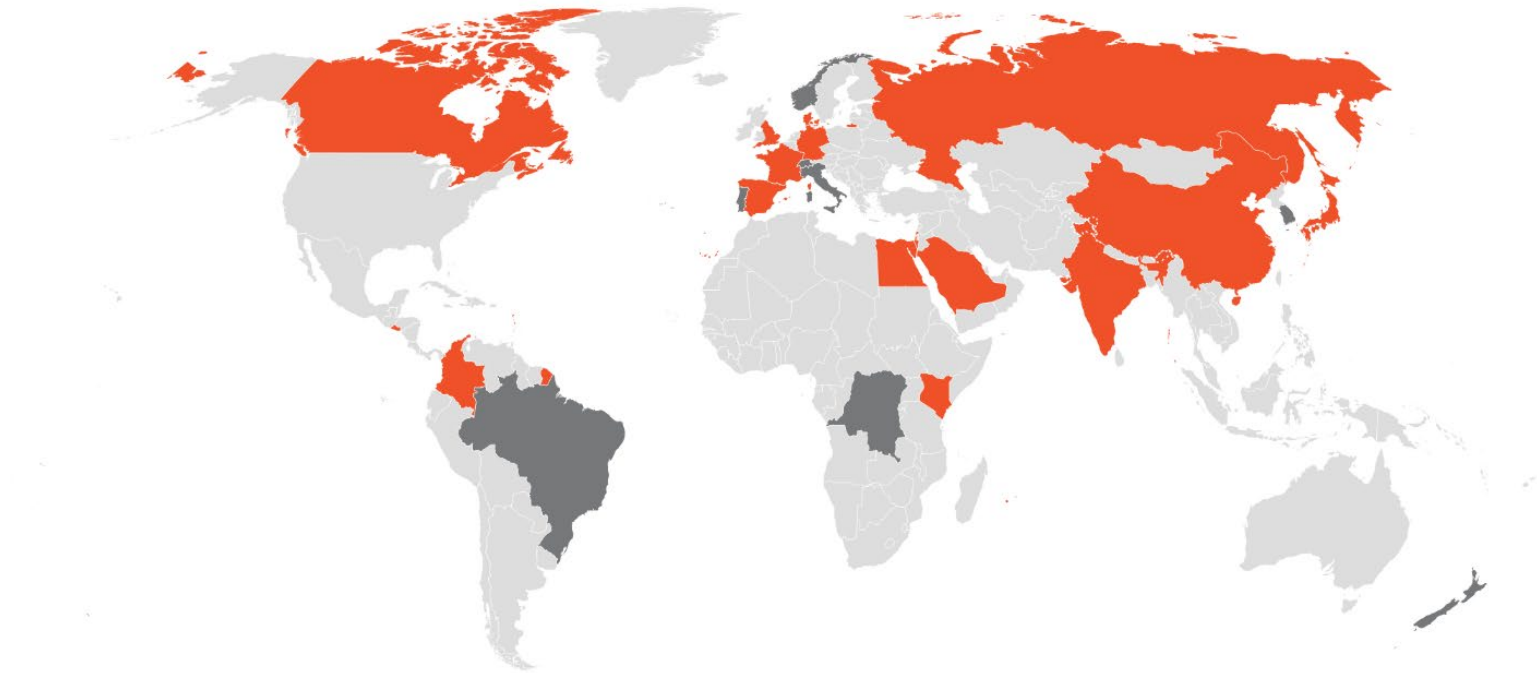
- Marrakesh Treaty Ratified
- ▨ Has NLS-Style Library
- Marrakesh Treaty Not Ratified



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Special Legislation on the Right to Information for Persons with Disabilities

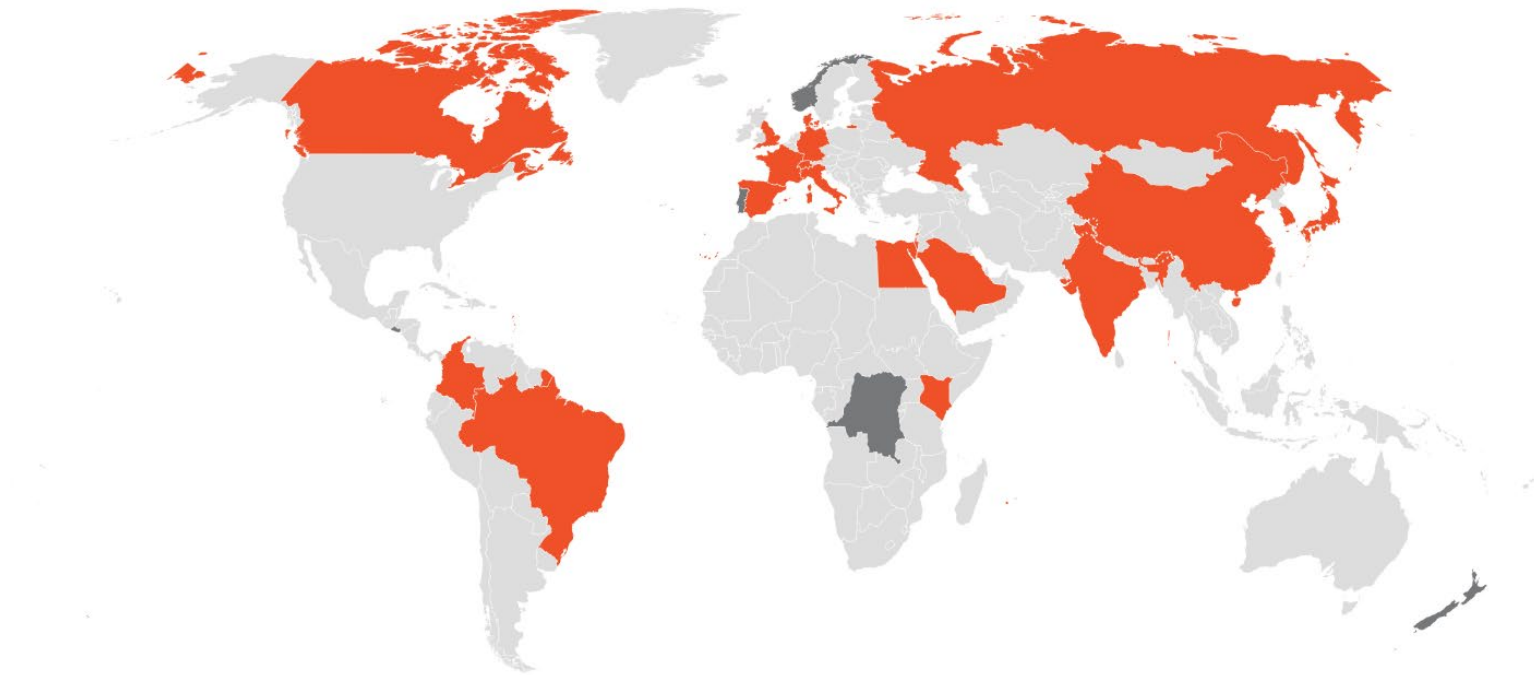
Yes No



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Legislation Protecting Access to Courts

Yes No



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Brazil

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SUMMARY The Brazilian Constitution provides several principles that guarantee numerous rights to people with disabilities. Brazil has adopted the Marrakesh Treaty and the Convention on the Rights of Persons with Disabilities, and it has met almost all of the United Nations Millennium Goals.

Federal laws establish general rules to ensure the full exercise of individual and social rights by persons with disabilities and their effective social integration; create the National Policy for the Integration of Persons with Disabilities and consolidates protection standards; provide for the protection of children, adolescents, and youths with disabilities; and establish general standards and basic criteria for promoting accessibility for people with disabilities.

The Statute of Persons with Disabilities ensures and promotes the exercise of fundamental rights and freedoms by persons with disabilities, under conditions of equality, aiming at their social inclusion and citizenship.

Currently, the Federal Senate and the Chamber of Deputies are analyzing many legislative proposals concerning people with disabilities.

I. Introduction

The protection of the rights of people with disabilities is enshrined in the Constitution and spread across federal legislation, which guarantees their full exercise of individual and social rights. Brazil has entered into international agreements, which have been incorporated into its domestic laws.

Several federal laws have been enacted concerning the protection of persons with disabilities. A federal law from 1989 states that the basic values of equal treatment and opportunity, social justice, respect for human dignity, and well-being, among others indicated in the Constitution or justified by general principles of law, must be considered when applying and interpreting it.

Specific laws protect children, adolescents, and youths with disabilities, while a law from 2015 created the Statute of Persons with Disabilities, which, among other things, states that every person with a disability has the right to equal opportunities with others and must not suffer any type of discrimination and provides them the rights to information, to access justice, and to culture.

Both houses of the National Congress are currently analyzing many legislative proposals concerning people with disabilities.

II. Legal Framework

A. Constitutional Protections

Article 6 of the Constitution states that education, health, nutrition, labor, housing, transport, leisure, security, social security, protection of motherhood and childhood and assistance to the destitute are social rights, as set forth in the Constitution.¹

In addition to any others designed to improve their social condition, the prohibition of any discrimination with respect to pay and hiring criteria for handicapped workers is a right of urban and rural workers.²

The Brazilian Union (Union), states, Federal District, and counties in common have the power to safeguard public health, public assistance, and the protection and guarantee of handicapped persons.³ The Union, states, and Federal District have concurrent power to legislate on protection and social integration of handicapped persons.⁴

The direct or indirect public administration of any of the branches of the Union, states, Federal District, and counties must obey the principles of legality, impersonality, morality, publicity, and efficiency. The law must reserve a percentage of public offices and positions for persons with disabilities and must define the criteria for their hiring.⁵

The social security system for civil servants holding permanent positions is contributory and jointly funded, through contributions from the respective federative entity, active civil servants, retirees, and pensioners, in compliance with criteria that preserve financial and actuarial balance.⁶ Differentiated age and contribution time for the retirement of employees with disabilities, previously submitted to a biopsychosocial assessment carried out by a multidisciplinary and interdisciplinary team, may be established by a complementary law of the respective federative entity.⁷

Social security must be organized in the form of the general social security regime, of a contributory nature and with mandatory membership, observing criteria that preserve financial and actuarial balance, and must meet, in accordance with the law, coverage of events of temporary or permanent incapacity for work and old age.⁸ The adoption of differentiated requirements or criteria for granting benefits is prohibited, except, under the terms of supplementary law, the possibility of “providing for age and contribution times that are different from the general rule for granting

¹ Constituição Federal [C.F.] art. 6, <https://perma.cc/9H4G-BBK8>.

² Id. art. 7(XXXI).

³ Id. art. 23(II).

⁴ Id. art. 24(XIV).

⁵ Id. art. 37(VIII).

⁶ Id. art. 40.

⁷ Id. art. 40 § 4-A.

⁸ Id. art. 201(I).

retirement exclusively in favor of insured persons with disabilities, previously submitted to a biopsychosocial evaluation carried out by a multidisciplinary and interdisciplinary team.”⁹

Social assistance must be provided to those who need it, regardless of social security contributions, and must have the following objectives:

IV - training and rehabilitation of people with disabilities and the promotion of their integration into community life;

V - guarantee of a monthly benefit of one minimum wage to people with disabilities and elderly people who prove that they are without means to provide for their own support or having it provided by their family, as provided by law.¹⁰

The government’s duty towards education must be achieved by guaranteeing special educational assistance for persons with disabilities, preferably within the regular school system.¹¹

It is the duty of the family, the society, and the government to assure children, adolescents, and youths (*jovens*), with absolute priority, the rights to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, liberty, and family and community harmony, in addition to safeguarding them against all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression.¹²

The government must promote full health assistance programs for children, adolescents, and youths, permitting participation by nongovernmental entities and obeying the following precept:

I - Creation of preventive and specialized care programs for the physically or mentally handicapped (sensorial or mental), as well as programs of social integration for handicapped adolescents or youths, through job training and community living, and facilitation of access to public facilities and services by elimination of architectural obstacles and all forms of discrimination.¹³

The law must provide standards for construction of public sites and buildings and manufacturing of public transportation vehicles in ways that guarantee appropriate access to persons with disabilities.¹⁴

⁹ Id. art. 201 § 1(I).

¹⁰ Id. art. 203.

¹¹ Id. art. 208(III).

¹² Id. art. 227.

¹³ C.F. art. 227 § 1(II).

¹⁴ Id. art. 227 § 2.

B. International Obligations

1. Marrakesh Treaty

Brazil promulgated the Marrakesh Treaty through Decree No. 9,522 of October 8, 2018,¹⁵ which had been approved by the National Congress on November 25, 2015, through Legislative Decree No. 251.¹⁶

2. Convention on the Rights of Persons with Disabilities

Decree No. 6,949 of August 25, 2009, promulgated the United Nations (UN) Convention on the Rights of Persons with Disabilities,¹⁷ which had been approved by the National Congress on July 9, 2008, through Legislative Decree No. 186.¹⁸

3. UN Millennium Goals

The millennium goals were established by the UN in 2000, with the support of 191 nations, including Brazil, and became known as the Millennium Development Goals (MDGs).¹⁹ They are as follows:

- eradicate extreme poverty and hunger,
- achieve universal primary education,
- promote gender equality and empower women,
- reduce child mortality,
- improve maternal health,
- combat AIDS, malaria and other diseases,
- ensure environmental sustainability, and
- develop a global partnership for development.²⁰

In 2015, the Brazilian Office of Institutional Relations reported that Brazil had met seven of the eight MDGs.²¹

¹⁵ Decreto No. 9,522, de 8 de Outubro de 2018, <https://perma.cc/STW4-5F4L>.

¹⁶ Decreto Legislativo No. 261, de 25 de Novembro de 2015, <https://perma.cc/674L-C77J>.

¹⁷ Decreto No. 6.949, de 25 de Agosto de 2009, <https://perma.cc/QCW5-PAGL>.

¹⁸ Decreto Legislativo No. 186, de 9 de Julho de 2008, <https://perma.cc/7PUZ-SMWH>.

¹⁹ *Os Objetivos de Desenvolvimento do Milênio*, ODM Brasil, <https://perma.cc/NBY2-6Y78>.

²⁰ Id.

²¹ *Brasil Cumpriu Sete dos Oito Objetivos de Desenvolvimento do Milênio*, Secretaria de Relações Institucionais (Sept. 18, 2015), <https://perma.cc/T62H-PA6J>.

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

1. *Law No. 7,853 of October 24, 1989*

Law No. 7,853 of October 24, 1989, establishes the general rules to ensure the full exercise of individual and social rights by persons with disabilities and their effective social integration.²²

In the application and interpretation of Law No. 7,853, the basic values of equal treatment and opportunity, social justice, respect for human dignity, well-being, and others, indicated in the Constitution or justified by general principles of law, must be considered.²³

The rules of Law No. 7,853 aim to guarantee persons with disabilities the government actions necessary for their compliance and other constitutional and legal provisions that concern them, eliminating discrimination and prejudice of any kind, and understanding the matter as a national obligation under the responsibility of the government and the society.²⁴

2. *Decree No. 3,298 of December 20, 1999*

Decree No. 3,298 of December 20, 1999, regulates Law No. 7,853 of October 24, 1989, establishes the National Policy for the Integration of Persons with Disabilities, and consolidates protection standards.²⁵ The National Policy for the Integration of Persons with Disabilities is a set of normative guidelines that aim to ensure the full exercise of the individual and social rights of persons with disabilities.²⁶

It is the responsibility of the bodies and entities of the public power to ensure that persons with disabilities can fully exercise their basic rights, including the rights to education, health, work, sports, tourism, leisure, social security, social assistance, transportation, public buildings, housing, culture, support for children and motherhood, and others that, arising from the Constitution and laws, provide for their personal, social, and economic well-being.²⁷

3. *Child and Adolescent Statute*

On July 13, 1990, Brazil enacted the Child and Adolescent Statute (ECA) through Law No. 8,069, which provides for the full protection of children and adolescents.²⁸ For the purposes of the law, a child is considered to be a person less than 12 years of age, and an adolescent is a person between

²² Lei No. 7.853, de 24 de Outubro de 1989, art. 1, <https://perma.cc/F5ZV-ZQPA>.

²³ Id. art. 1 § 1.

²⁴ Id. art. 1 § 2.

²⁵ Decreto No. 3.298, de 20 de Dezembro de 1999, <https://perma.cc/Y8GX-9Z7U>.

²⁶ Id. art. 1.

²⁷ Id. art. 2.

²⁸ Estatuto da Criança e do Adolescente [ECA], Lei No. 8.069, de 13 de Julho de 1990, art. 1, <https://perma.cc/AY4X-6N9H>.

12 and 18 years of age.²⁹ In some exceptional cases foreseen in the statute, it also applies to persons between the ages of 18 and 21.³⁰

Children and adolescents enjoy all the fundamental rights inherent to the human person, without prejudice to the integral protection referred to in Law No. 8,069, ensuring, by law or by other means, all the opportunities and facilities to provide them with physical, mental, moral, spiritual, and social development, in conditions of freedom and dignity.³¹

The rights set forth in the ECA apply to all children and adolescents, without discrimination based on birth, family status, age, sex, race, ethnicity or color, religion or belief, disability, personal development and learning conditions, economic status, social environment, region and place of residence or any other condition that differentiates individuals, families, or the community in which they live.³²

Full access to lines of care aimed at the health of children and adolescents is ensured through the Unified Health System, observing the principle of equity in access to actions and services for the promotion, protection, and recovery of health.³³ Children and adolescents with disabilities will be served, without discrimination or segregation, in their general health needs and specific needs for habilitation and rehabilitation.³⁴

Adoption processes in which the adoptee is a child or adolescent with a disability or chronic illness will have priority in processing.³⁵

It is the duty of the state to ensure that children and adolescents with disabilities have specialized educational services, preferably in the regular education system.³⁶

Article 66 of the ECA states that adolescents with disabilities are guaranteed protected work,³⁷ while the sole paragraph of article 70-A states that families with children and adolescents with disabilities will have priority in public prevention and protection actions and policies against violence.³⁸

²⁹ Id. art. 2.

³⁰ Id. art. 2 (sole para.).

³¹ Id. art. 3.

³² Id. art. 3 (sole para.).

³³ Id. art. 11.

³⁴ Id. art. 11 § 1.

³⁵ Id. art. 47 § 9.

³⁶ Id. art. 54(III).

³⁷ Id. art. 66.

³⁸ Id. art. 70-A (sole para.).

Article 87 defines the lines of action for the service policy, which include, but are not limited to, campaigns to encourage the adoption, in the form of guardianship, of children and adolescents removed from their families and the adoption, specifically interracial, of older children or adolescents, with specific health needs or disabilities and of groups of siblings.³⁹

In case of an infraction by an adolescent, the competent authority may apply the measures listed in article 112 of the ECA.⁴⁰ Adolescents with mental illness or disability will receive individual and specialized treatment, in a location appropriate to their conditions.⁴¹

The provisions of the ECA govern liability actions for violations of the rights guaranteed to children and adolescents, relating to the non-provision or irregular provision of specialized educational services for people with disabilities.⁴²

4. *Law No. 10,098 of December 19, 2000*

Law No. 10,098 of December 19, 2000, establishes general standards and basic criteria for promoting accessibility for people with disabilities or reduced mobility, through the elimination of barriers and obstacles on public roads and spaces, in urban furniture, in the construction and renovation of buildings, and in means of transport and communication.⁴³

5. *Youth Statute*

The Youth Statute, which was enacted on August 5, 2013, by Law No. 12,852, defines youths as persons aged between 15 and 29 years.⁴⁴ According to article 7, young people with disabilities are guaranteed inclusion in regular education at all educational levels and modalities, including specialized educational services, taking into account accessibility to buildings, transport, spaces, furniture, equipment, systems and means of communication, and ensuring the resources of assistive technology and adaptations necessary for each person.⁴⁵

According to article 8, Section 2 of Law No. 12,852, the government must “promote programs to expand the provision of higher education in public institutions, [and] student financing and scholarships in private institutions, especially for young people with disabilities, black people, indigenous people, and students from public schools.”⁴⁶ Article 10 states that it is the duty of the

³⁹ Id. art. 87(VII).

⁴⁰ Id. art. 112.

⁴¹ Id. art. 112 § 3.

⁴² Id. art. 208(II).

⁴³ Lei No. 10.098, de 19 de Dezembro de 2000, art. 1, <https://perma.cc/55W2-R4CJ>.

⁴⁴ Estatuto da Juventude, Lei No. 12.852, de 5 de Agosto de 2013, art. 1(§ 1), <https://perma.cc/K8P6-TTLK>.

⁴⁵ Id. art. 7 § 4.

⁴⁶ Id. art. 8 § 2.

state to ensure that young people with disabilities receive free specialized educational services, preferably in the regular education system.⁴⁷

The government's action to enforce the right of young people to professional training, work, and income includes, among other things, support for young workers with disabilities, through the following actions:

- a) encouragement of training and professional qualification in an inclusive environment;
- b) provision of special working hours;
- c) encouragement of insertion into the job market through apprenticeships.⁴⁸

Young people have the right to diversity and equal rights and opportunities and must not be discriminated against for reasons of opinion, disability, and social or economic status.⁴⁹

The government's action to enforce the right of young people to diversity and equality encompasses the inclusion of topics on ethnic, racial, disability, sexual orientation, gender, and domestic and sexual violence against women in the training of education, health, and public safety professionals and legal professionals.⁵⁰

The public policy for youth health care will be developed in accordance with the following guidelines:

- VI - training of health professionals, from a multidisciplinary perspective, to deal with issues related to the sexual and reproductive health of young people, including those with disabilities, and the abuse of alcohol, tobacco, and other drugs by young people.⁵¹

In achieving the cultural rights of young people, the government is responsible for guaranteeing accessibility and reasonable accommodations for young people with disabilities.⁵²

The action of the public authorities in the enforcement of the right of young people to communication and freedom of expression includes the adoption of the following measures:

- III - promote communication networks and platforms for young people, considering accessibility for young people with disabilities;
- V - guarantee accessibility to communication through assistive technologies and reasonable adaptations for young people with disabilities.

⁴⁷ Id. art. 10.

⁴⁸ Id. art. 15(VII).

⁴⁹ Id. art. 17(III).

⁵⁰ Id. art. 18(III).

⁵¹ Id. art. 20(VI).

⁵² Id. art. 22(IX).

Young people have the right to territory and mobility, including the promotion of public policies for housing, movement, and public facilities, in the countryside and in the city.⁵³ Young people with disabilities must be guaranteed accessibility and the necessary adaptations.⁵⁴

Public security policies aimed at young people must coordinate actions by the Union, states, Federal District, and municipalities and nongovernmental actions to promote effective access to justice for young people with disabilities on an equal basis with other people, including through the provision of procedural adaptations appropriate to their age.⁵⁵

6. *Statute of Persons with Disabilities*

Law No. 13,146 of July 6, 2015, promulgated the Statute of Persons with Disabilities to ensure and promote the exercise of fundamental rights and freedoms by persons with disabilities, under conditions of equality, aiming at their social inclusion and citizenship.⁵⁶

For the purposes of Law No. 13,146, a person with a disability is one who has a long-term physical, mental, intellectual, or sensory impairment, which, in interaction with one or more barriers, may obstruct their full and effective participation in society on an equal basis with other people.⁵⁷

The assessment of disability, when necessary, will be biopsychosocial, carried out by a multidisciplinary and interdisciplinary team, and will consider

- I - impairments in the functions and structures of the body;
- II - socio-environmental, psychological and personal factors;
- III - limitation in the performance of activities; and
- IV - restriction of participation.⁵⁸

Every person with a disability has the right to equal opportunities with others and must not suffer any type of discrimination.⁵⁹ Any form of distinction, restriction or exclusion, by action or omission, that has the purpose or effect of impairing, preventing or nullifying the recognition or exercise of the fundamental rights and freedoms of a person with a disability, including the refusal of reasonable accommodations and the provision of assistive technologies, is considered

⁵³ Id. art. 31.

⁵⁴ Id. art. 31 (sole para.).

⁵⁵ Id. art. 38(VI).

⁵⁶ Estatuto da Pessoa com Deficiência, Lei No. 13.146, de 6 de Julho de 2015, art. 1, <https://perma.cc/SJA5-LJ9E>.

⁵⁷ Id. art. 2.

⁵⁸ Id. art. 2 § 1.

⁵⁹ Id. art. 4.

discrimination based on a disability.⁶⁰ Persons with disabilities are not obliged to take advantage of benefits arising from affirmative action.⁶¹

Persons with disabilities must be protected from all forms of negligence, discrimination, exploitation, violence, torture, cruelty, oppression, and inhuman or degrading treatment.⁶² For the purposes of this protection, children, adolescents, women, and elderly persons with disabilities must be considered especially vulnerable.⁶³

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

a. Louis Braille Library

Brazil has a library that is considered a national reference center in the area of visual impairment, the Louis Braille Library has a collection in Braille and ink, as well as an audio library.⁶⁴ Books in ink (traditional) are accessible to the blind thanks to the work of volunteer readers who record handouts and books on CD and help the disabled with their school research, as well as reading aloud to them.⁶⁵ In-person service is provided by prior appointment, as well as book loans and returns, which have a return period of 15 days.⁶⁶

b. Law No. 13,146 of July 6, 2015

Law No. 13,146 has a chapter on access to information for persons with disabilities. Article 63 of Law No. 13,146 makes accessibility for use by people with disabilities mandatory for websites maintained by companies headquartered or with commercial representation in the country or by government agencies, ensuring them access to available information, in accordance with best practices and accessibility guidelines adopted internationally.⁶⁷ The websites must prominently display the accessibility symbol.⁶⁸ Community telecenters that receive federal public funds for their funding or installation and internet cafes must have accessible equipment and facilities.⁶⁹ The telecenters and internet cafes must ensure that at least 10% of their computers have

⁶⁰ Id. art. 4 § 1.

⁶¹ Id. art. 4 § 2.

⁶² Id. art. 5.

⁶³ Id. art. 5 (sole para.).

⁶⁴ *Biblioteca Louis Braille*, Instituto Benjamin Constant, <https://perma.cc/F5H2-XZQM>.

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ Estatuto da Pessoa com Deficiência, Lei No. 13.146, de 6 de Julho de 2015, art. 63.

⁶⁸ Id. art. 63 § 1.

⁶⁹ Id. art. 63 § 2.

accessibility resources for people with visual impairments, or that at least one piece of equipment is available with such resources when the percentage result is less than one.⁷⁰

Companies providing telecommunications services must guarantee full access to people with disabilities, in accordance with specific regulations.⁷¹ It is up to the government to encourage the provision of accessible fixed and mobile telephone devices that, among other assistive technologies, have the possibility of indicating and amplifying all available operations and functions.⁷²

Article 67 of Law No. 13,146 determines that sound and image broadcasting services must allow the use of the following resources, among others:

I - subtitling by means of closed captioning;

II - window with Libras interpreter;

III - audio description.⁷³

The government must adopt mechanisms to encourage the production, publishing, dissemination, distribution, and marketing of books in accessible formats, including in publications of the public administration or financed with public resources, with a view to guaranteeing people with disabilities the right to access reading, information, and communication.⁷⁴

In public notices for the purchase of books, including for the supply or updating of library collections at all levels and types of education and public libraries, the government must adopt clauses preventing the participation of publishers that do not also offer their production in accessible formats.⁷⁵ Accessible formats are digital files that can be recognized and accessed by screen reader software or other assistive technologies that may replace them, allowing reading with synthesized voice, character enlargement, different contrasts, and printing in Braille.⁷⁶ The government must encourage and support the adaptation and production of scientific articles in accessible formats, including in Libras.⁷⁷

Institutions that promote congresses, seminars, workshops, and other events of a scientific-cultural nature must offer people with disabilities, at the least, the assistive technology resources provided for in article 67 of Law No. 13,146.⁷⁸

⁷⁰ Id. art. 63 § 3.

⁷¹ Id. art. 65.

⁷² Id. art. 66.

⁷³ Id. art. 67.

⁷⁴ Id. art. 68.

⁷⁵ Id. art. 68 § 1.

⁷⁶ Id. art. 68 § 2.

⁷⁷ Id. art. 68 § 3.

⁷⁸ Id. art. 70.

Congresses, seminars, workshops, and other scientific and cultural events promoted or financed by the government must guarantee accessibility conditions and assistive technology resources.⁷⁹ Programs, lines of research and projects to be developed with the support of funding agencies and bodies and entities that are part of the public administration and that work to support research must include themes related to assistive technology.⁸⁰ The government, directly or in partnership with civil society organizations, must be responsible for promoting the training of Libras translators and interpreters, interpreter guides and professionals qualified in Braille, audio description, shorthand, and subtitling.⁸¹

2. *Public Legal Information*

Our research did not identify any specific regulation regarding the rights of people with disabilities to public information including parliamentary proceedings and parliamentary documents.

B. Right of Access to Justice

Article 79 of Law No. 13,146 of July 6, 2015, states that the government must ensure that people with disabilities have equal access to justice, mandating that they have access to the justice system whenever required, with adaptations and assistive technology resources.⁸² To ensure that people with disabilities participate in the entire judicial process, the government must train members of and civil servants who work in the judiciary, the Public Prosecutor's Office, the Public Defender's Office, public security agencies, and the penitentiary system regarding the rights of people with disabilities.⁸³

People with disabilities who are subject to a restrictive liberty measure must be guaranteed all the rights to which prisoners without disabilities are entitled, ensuring accessibility.⁸⁴ The Public Defender's Office and the Public Prosecutor's Office must take the necessary measures to guarantee the rights provided for in Law No. 13,146.⁸⁵

All available assistive technology resources must be offered so that people with disabilities have access to justice, whenever they appear as a party or act as a witness in litigation brought before the court, lawyer, public defender, magistrate, or member of the Public Prosecutor's Office.⁸⁶

⁷⁹ Id. art. 71.

⁸⁰ Id. art. 72.

⁸¹ Id. art. 73.

⁸² Id. art. 79.

⁸³ Id. art. 79 § 1.

⁸⁴ Id. art. 79 § 2.

⁸⁵ Id. art. 79 § 3.

⁸⁶ Id. art. 80.

People with disabilities are guaranteed access to the content of all procedural acts of interest to them, including the practice of law.⁸⁷

Article 81 of Law No. 13,146 further states that the rights of people with disabilities must be guaranteed when criminal sanctions are applied.⁸⁸

Notarial and registry services may not deny or create obstacles or differentiated conditions for the provision of their services due to the applicant's disability, and must recognize their full legal capacity, ensuring accessibility.⁸⁹ Failure to comply with these provisions constitutes discrimination on the grounds of disability.⁹⁰

C. Right to Culture

Persons with disabilities have the right to culture, sports, tourism, and leisure on an equal basis with other people, and are guaranteed access to

I - cultural assets in an accessible format;

II - television programs, movies, theater and other cultural and sports activities in an accessible format; and

III - monuments and places of cultural importance and spaces that offer cultural and sports services or events.⁹¹

The refusal to offer intellectual works in an accessible format to persons with disabilities is prohibited on any grounds, including the protection of intellectual property rights.⁹² The government must adopt solutions aimed at eliminating, reducing, or overcoming barriers to promote access to all cultural heritage, in compliance with accessibility, environmental, and national historical and artistic heritage protection standards.⁹³

The government must promote the participation of people with disabilities in artistic, intellectual, cultural, sports and recreational activities, with a view to their leading role, and must

I - encourage the provision of instruction, training and adequate resources, on an equal basis with other people;

II - ensure accessibility in event venues and in services provided by a person or entity involved in organizing the activities referred to in this article; and

⁸⁷ Id. art. 80 (sole para.).

⁸⁸ Id. art. 81.

⁸⁹ Id. art. 83.

⁹⁰ Id. art. 83 (sole para.).

⁹¹ Id. art. 42.

⁹² Id. art. 42 § 1.

⁹³ Id. art. 42 § 2.

III - ensure the participation of people with disabilities in games and recreational, sports, leisure, cultural and artistic activities, including in the school system, on an equal basis with other people.⁹⁴

In theaters, cinemas, auditoriums, stadiums, sports halls, performance and conference venues and similar places, free spaces and seats must be reserved for people with disabilities, in accordance with the building's capacity, in compliance with the provisions of the regulations.⁹⁵ These spaces and seats must be distributed throughout the venue in various locations, with good visibility, in all sectors, close to the aisles, duly signposted, avoiding segregated areas for the public and obstruction of exits, in accordance with accessibility standards.⁹⁶

If there is no proven demand for the reserved seats, these may, exceptionally, be occupied by people without disabilities or who do not have reduced mobility, in accordance with the provisions of the regulations.⁹⁷ These spaces and seats must be in places that guarantee the accommodation of at least one companion of the person with a disability or reduced mobility, safeguarding the right to be seated close to family and community groups.⁹⁸

In these places, there must be accessible escape routes and emergency exits, in accordance with accessibility standards, to allow the safe exit of people with disabilities or reduced mobility in the event of an emergency.⁹⁹ All spaces in these buildings must comply with the accessibility standards in force.¹⁰⁰ Movie theaters must offer accessibility resources for people with disabilities in all sessions.¹⁰¹ The ticket price for people with disabilities may not be higher than the price charged to other people.¹⁰²

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The website of the Federal Senate indicates that there are currently 1,218 legislative proposals in different stages of analysis that in some way involve people with disabilities and amendments to current laws, including Law No. 13,146 of July 6, 2015,¹⁰³ while the website of the Chamber of Deputies indicates that there are 1,001 legislative proposals.¹⁰⁴

⁹⁴ Id. art. 43.

⁹⁵ Id. art. 44.

⁹⁶ Id. art. 44 § 1.

⁹⁷ Id. art. 44 § 2.

⁹⁸ Id. art. 44 § 3.

⁹⁹ Id. art. 44 § 4.

¹⁰⁰ Id. art. 44 § 5.

¹⁰¹ Id. art. 44 § 6.

¹⁰² Id. art. 44 § 7.

¹⁰³ Proposições, pessoa com deficiência, Senado Federal, <https://perma.cc/727C-X7WL>.

¹⁰⁴ Busca: pessoa com deficiência, Câmara dos Deputados, <https://perma.cc/T4VF-R9RF>.

Canada

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SUMMARY A recent government survey found that more than one in four Canadians older than 15 years of age live with a disability. Canadian constitutional documents enshrine the principle of nondiscrimination based on disability status and permit affirmative action to address disadvantages suffered by persons with disabilities. Canada is party to the WIPO's Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and the UN Convention on the Rights of Persons with Disabilities. Canadian governments at the federal and provincial levels have adopted accessibility legislation governing accessibility standards that governmental and covered private entities must implement to ameliorate barriers persons with disabilities face in accessing their services. At the federal level, legislation has been adopted to safeguard access of persons with disabilities to information held by the government, and court rules have been adopted to reduce barriers in accessing justice services in courts. Two government-funded library organizations provide accessible library services to patrons with disabilities nationwide. To reduce barriers to access culture for persons with disabilities, federal legislation governing broadcasting has several provisions regarding the creation of accessible programming.

I. Introduction

According to the Canadian Survey on Disability, 2017 to 2022 (CSD), the official data source on the disability rate in the Canadian population published by the Government of Canada, more than one in four Canadians aged 15 years and older have a disability that limits their daily activities.¹ The federal, provincial, and territorial governments have accordingly adopted legislation and policies that seek to address barriers faced by people living with a disability in their daily lives and their interactions with government at all levels.

¹ *Canadian Survey on Disability, 2017 to 2022*, The Daily, Dec. 1, 2023, p.1, <https://perma.cc/2K3D-X8HD> ("New findings from the 2022 Canadian Survey on Disability (CSD) showed that 27% of Canadians aged 15 years and older, or 8.0 million people, had one or more disabilities that limited them in their daily activities. . . . In 2022, the rate of disability was higher among women (30%) than men (24%), following the same pattern from 2017."); Benoît-Paul Hébert et al., *A demographic, employment and income profile of persons with disabilities aged 15 years and over in Canada, 2022*, Reports on Disability and Accessibility in Canada Catalogue no. 89-654-X2024001 (May 28, 2024), p. 6, <https://perma.cc/P8D6-8E7L>. The 2017-2022 Survey found that overall prevalence of the types of disabilities found among those aged 15 years and older to be as follows: disabilities related to pain (17%), flexibility (11%), mobility (11%), mental health (10%), seeing (7%), hearing (6%), learning (6%), dexterity (5%), memory (5%), and developmental disabilities (2%). *Id.* at 10. The distribution of prevalence and severity varied in accordance with age and sex, with women more likely than men to have a disability and the proportion of severe and very severe disability increasing with age. *Id.* at 6-14.

II. Legal Framework

A. Constitutional Protections

Canada's constitution is composed of several written constitutional documents and unwritten principles and conventions following the constitutional tradition of the United Kingdom.² The written constitutional documents include the Constitution Act, 1867 and the Constitution Act, 1982,³ the latter incorporating the Canadian Charter of Rights and Freedoms (CCRF).⁴

Section 15 of the CCRF enshrines the equality before and under law and equal protection and benefit of law of every individual without discrimination based on mental or physical disability, as follows:

Equality before and under law and equal protection and benefit of law

15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.⁵

Canadian provinces have their own constitutions, which also have written and unwritten components.⁶ At least one provincial constitution – that of the province of Quebec – enshrines protections for persons with disabilities. The Constitution of Quebec includes a Charter of Human Rights and Freedoms (QCHRF) which safeguards every person's "right to full and equal

² *What You Need to Know About Canada's Constitution*, Centre for Constitutional Studies (2017), <https://perma.cc/93EN-TX5Y>. Texts of the constitutional documents are available at <https://perma.cc/BSW8-QFMB>.

³ Constitution Act, 1867, 30 & 31 Vict. c 3 (U.K.) reprinted in R.S.C. 1985, app II, no 5 (Can.); Constitution Act, 1982, being Schedule B to the Canada Act 1982, c 11 (U.K.) (entry into force Apr. 17, 1982).

⁴ The constitutional texts are consolidated as The Constitution Acts 1867 to 1982. The consolidated text is available at <https://perma.cc/TF9W-LNRB>. The Constitution Act, 1982 was enacted as Schedule B to the Canada Act 1982, 1982, c. 11 (U.K.) (entry into force Apr. 17, 1982), and the text is available at <https://perma.cc/JGM8-6LPF>. The text of the CCRF was published as Part I of the Constitution Act, 1982. The text of the CCRF is accessible at <https://perma.cc/DW9J-U6NH>.

⁵ CCRF sec. 15.

⁶ Tesia Doblanko, *Provincial Constitutions: What Are They and How Do We Amend Them?*, Centre for Constitutional Studies (Aug. 4, 2021), <https://perma.cc/TA4Q-4UUH>.

recognition and exercise of his rights and freedoms, without distinction, exclusion or preference based on . . . a handicap or the use of any means to palliate a handicap.”⁷

Article 86 of the QCHRF sets forth conditions under which affirmative action programs will be considered non-discriminatory. The object of affirmative action programs is defined as “remedy[ing] the situation of persons belonging to groups discriminated against in employment, or in the sector of education or of health services and other services generally available to the public.”⁸ Article 86 provides that

[a]n equal access to employment program established for a handicapped person within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration is deemed to be non-discriminatory if it is established in conformity with the Act respecting equal access to employment in public bodies.⁹

B. International Obligations

1. *The Marrakesh Treaty*

On June 30, 2016, Canada deposited its instrument of accession¹⁰ to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh Treaty).¹¹ Canada was the 20th nation to deposit its instrument of ratification or accession; thus, pursuant to article 18 of the Marrakesh Treaty, the treaty entered into force three months after the accession of Canada.¹²

To implement the Marrakesh Treaty and enable Canada’s accession, “An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities)” was enacted on June 22, 2016 to make the Copyright Act compliant with the

⁷ Charter of Human Rights and Freedoms, CQLR c C-12, art. 10, <https://perma.cc/42S6-YW5Z>.

⁸ QCHRF art. 86, para. 1.

⁹ QCHRF art. 86, para 4. *See also* Regulation respecting Affirmative Action Programs, CQLR c C-12, r 3, <https://perma.cc/Y83P-ACZG>.

¹⁰ “[A]ccession is a one-step process. Canada generally accedes to treaties that are already in force rather than undertaking the two-step ratification process.” Laura Barnett, *Canada’s Approach to the Treaty-Making Process*, Library of Parliament Research Publication No. 2008-45-E, p. 3, n. 17 (Apr. 1, 2021), <https://perma.cc/CSH3-542K>.

¹¹ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3162 U.N.T.S. 3, <https://perma.cc/4TDH-N48Z>; *Marrakesh Notification No. 20, Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, Accession by Canada*, WIPO (June 30, 2016), <https://perma.cc/DNK6-97FN>.

¹² *See Marrakesh Notification No. 21, Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, Entry into Force* (notifying Ministers of Foreign Affairs of contracting parties of the entry into force of the treaty on Sept. 30, 2016 in accordance with article 18 of the treaty, following the accession of Canada as the 20th state), WIPO (June 30, 2016), <https://perma.cc/BG5Y-8RTR>.

Marrakesh Treaty.¹³ Among other changes, section 32 of the Copyright Act was amended in line with the Marrakesh Treaty to allow the reproduction and fixation of literary, musical, artistic, or dramatic works (with the exception of cinematic works) and the performances of such works and sound recordings in a format that is specially designed for persons with a perceptual disability.¹⁴ This exception to copyright protection, however, is only available where the work in question is not commercially available in a format specially designed to meet the needs of a person with perceptual disabilities.¹⁵ Section 32.01 of the act was amended to bring the export regime applicable to works made for persons with perceptual disabilities in line with the Marrakesh Treaty.¹⁶

2. *The UN Convention on the Rights of Persons with Disabilities*

Canada signed the UN Convention on the Rights of Persons with Disabilities (CRPD) on March 30, 2007, and ratified it on March 11, 2010.¹⁷ On December 3, 2018, Canada acceded to the Optional Protocol of the CRPD, which allows Canadians to file a complaint with the UN Committee on the Rights of Persons with Disabilities if they believe that their rights under the CRPD have been violated.¹⁸

Article 9 of the CRPD requires State Parties to “take appropriate measures to ensure to persons with disabilities access, on an equal basis with others . . . to information and communications, including information and communications technologies and systems.” The Accessible Canada

¹³ An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities), SC 2016, c 4, <https://perma.cc/7DSH-595R>, amending Copyright Act, RSC 1985, c C-42 (last amended Apr. 27, 2023), <https://perma.cc/PL2X-PR5R>. Note that even before the 2016 amendment, the Copyright Act (and Canada's copyright framework in general) already contained certain exceptions for the benefit of people with disabilities. See Copyright Act, RSC 1985, c C-42, as in force between June 23, 2015 and June 21, 2016, <https://perma.cc/T7DU-Y5BV>.

¹⁴ See Dara Lithwick, Legislative Summary of Bill C-11: An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities), Library of Parliament Research Publication No. 42-1-C11-E (May 6, 2016), pp. 4-5, <https://perma.cc/XLG7-X9KR>. The limitation of the exception to works that are not commercially available in a format specially designed for people with disabilities is in line with Canada's declaration to the Marrakesh Treaty stating that the copyright exception will be thus limited. See *Marrakesh Notification No. 35 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, Declaration by Canada*, WIPO (Nov. 28, 2017), <https://perma.cc/N25L-5NGU>. Such limitations are allowed under article 4(4) of the Marrakesh Treaty which provides “a Contracting Party may confine limitations or exceptions under this Article to works which, in the particular accessible format, cannot be obtained commercially under reasonable terms for beneficiary persons in that market.”

¹⁵ Lithwick, Legislative Summary of Bill, p. 4-5.

¹⁶ See *id.* at 5.

¹⁷ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, <https://perma.cc/3QT6-TC8F>.

¹⁸ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2518 U.N.T.S. 283. See also Employment and Social Development Canada, *Canada accedes to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities*, News Release (Dec. 3, 2018), <https://perma.cc/YB9H-MQFD>.

Act, which will be discussed below, refers to Canada's obligations under the CRPD and constitutes a major part of Canada's implementation of the CRPD at the federal level.¹⁹

3. UN Sustainable Development Goals

The Government of Canada has been working on advancement of the 17 Sustainable Development Goals (SDG) and presented its second Voluntary National Review in July 2023.²⁰ SDG 10 addresses challenges and inequality faced by different groups in a society due to, among other things, visible and invisible disability, and it aims to reduce inequality within and among countries.

Canada has developed the Canadian Indicator Framework (CIF) for the SDG to measure progress; CIF includes 76 indicators specific to Canada.²¹ According to CIF indicators for SDG 10, for Canada's goal "Canadians live free of discrimination and inequalities are reduced," the Gini coefficient indicator has "made progress but needs acceleration," whereas the "proportion of the population reporting discrimination or unfair treatment" indicator has deteriorated.²²

To reduce inequality based on disability, the Government of Canada has implemented, among other initiatives, the following:²³

- the Enabling Accessibility Fund, which provides funding to accessibility projects;
- the Opportunities Fund for Persons with Disabilities, which supports persons with disabilities in participation to the labor market;
- the Social Development Partnership Program (Disability) and the Canada Book Fund, which has been investing in the availability of accessible books; and
- the Disability Inclusion Action Plan, which was published for the first time in October 2022 and has been a blueprint for government's approach to disability inclusion. Since its publication:

¹⁹ See Julian Walker, Robert Manson, Laura Munn-Rivard, *The United Nations Convention on the Rights of Persons with Disabilities: An Overview*, Library of Parliament Research Publication No. 2013-09-E, p. 14 (last revised Nov. 25, 2021), <https://perma.cc/2TT4-YJEZ>. Walker, Manson & Munn-Rivard note that "[m]any programs for persons with disabilities are run by provinces and territories at the local and municipal level, from providing support services and appropriate health care to ensuring public spaces are accessible or offering appropriate forms of education meet the needs of persons with disabilities."

²⁰ Employment and Social Development Canada, Sustainable Development Goals Unit, *Canada's 2023 Voluntary National Review: A Continued Journey for Implementing the 2030 Agenda and the Sustainable Development Goals (2023)*, <https://perma.cc/V8UA-7F3A>.

²¹ Statistics Canada, *17 goals to transform our world*, Canadian Indicator Framework for the Sustainable Development Goals Data Hub (last updated Nov. 1, 2024), <https://perma.cc/45SL-GNAX>.

²² Statistics Canada, *Reduce inequality within and among countries: Targets and indicators, How are we doing against the 2030 target?* Canadian Indicator Framework for the Sustainable Development Goals Data Hub (last accessed Nov. 5, 2024), <https://perma.cc/E88U-PTJN>.

²³ Employment and Social Development Canada, *Sustainable Development Goal 10: Reduced inequalities* (last modified May 1, 2024), <https://perma.cc/AB64-67NE>.

- the Canada Disability Benefit was established (pursuant to the Canada Disability Benefit Act);
- the Equitable Access to Reading Program has been created to increase funding for reading materials in alternate formats; and
- the Disability Inclusion Business Council was launched.

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

1. *Canada Human Rights Act*

Canada's basic anti-discrimination legislation at the federal level, the Canadian Human Rights Act (CHRA),²⁴ designates disability as a protected category and proscribes the following discriminatory practices on the basis of, among other characteristics, disability:

- denial of goods, service, facility or accommodation;²⁵
- denial of commercial premises or residential accommodation;²⁶
- refusal of employment, adverse differentiation in the course of employment, expressing discriminatory limitations in employment applications and advertisements, exclusion from employee organizations, establishing or maintaining differences in wages, or assessment of value of work;²⁷
- publication of discriminatory notices;²⁸
- harassment in the provision of goods, service, facility, and accommodation customarily available to the public, provision of commercial premises or residential accommodation, and in matters related to employment;²⁹ and
- retaliation for filing a complaint.³⁰

Section 16 of the CHRA provides that special programs and plans designed to prevent, reduce, or eliminate disadvantages likely to be suffered by protected categories of persons by the improvement of the respective goods, services, facilities, accommodation, or employment where the disadvantages are based on prohibited discrimination, are not considered to be discriminatory. The CHRA provides for a safe haven for special plans that are designed for disabled persons. According to section 17, persons seeking to implement a special plan for "adapting any services, facilities, premises, equipment or operations to meet the needs of persons arising from a disability" may apply to the Canadian Human Rights Commission for the

²⁴ Canadian Human Rights Act (CHRA), RSC 1985, c H-6, <https://perma.cc/T9QY-5NKC>.

²⁵ CHRA sec. 5.

²⁶ Id. sec. 6.

²⁷ Id. secs. 7-11.

²⁸ Id. sec. 12.

²⁹ Id. sec. 14.

³⁰ Id. sec. 14.1

Commission's approval. If the Commission approves the proposed plan, "matters for which the plan provides do not constitute any basis for a complaint under [the CHRA] regarding discrimination based on any disability in respect of which the plan was approved."³¹

2. *Accessible Canada Act*

The main piece of legislation that safeguards the accessibility rights of people with disabilities is the Accessible Canada Act of 2019 (ACA).³²

The ACA's purpose is to create a Canada without barriers, on or before January 1, 2040, by identifying, removing, and preventing barriers³³ in areas including, but not limited to, (a) employment; (b) information and communication technologies; (c) communication, other than information and communication technologies; (d) the procurement of goods, services and facilities; (e) the design and delivery of programs and services; and (f) transportation.³⁴

The ACA applies to all agencies and bodies of the federal public administration designated in Schedules I to V of the Financial Administration Act³⁵, Crown corporations³⁶, and any entity, person, partnership, or unincorporated organization that operates within the legislative authority of the Parliament which includes federally regulated private organizations such as those acting in sectors such as banking, telecommunications, and transportation.³⁷ The ACA also applies, in part, to parliamentary entities, including the Senate, the House of Commons, and the Library of Parliament, subject to special procedural rules.³⁸

The ACA established three new bodies to accomplish its purposes: (1) Canadian Accessibility Standards Development Organization; (2) the Accessibility Commissioner; and (3) the Chief Accessibility Officer.³⁹

³¹ Id. sec. 17(1)-(3).

³² Accessible Canada Act, SC 2019, c 10, <https://perma.cc/ND2B-S78D>.

³³ Section 2 defines "barrier" as "anything – including anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice – that hinders the full and equal participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment or a functional limitation. (obstacle)."

³⁴ ACA sec. 5.

³⁵ Financial Administration Act, RSC 1985, c F-11, <https://perma.cc/W8Y7-6X76>.

³⁶ "Crown Corporations" are defined in Part X of the Financial Administration Act as corporations that are wholly owned directly by the Crown (called a "parent Crown corporation") or wholly-owned subsidiaries of a parent Crown corporation.

³⁷ ACA sec. 7(1); I *Overview of the Accessible Canada Act*, Canadian Human Rights Commission, <https://perma.cc/94VK-SELX>.

³⁸ ACA sec. 7(1) and Part 9.

³⁹ ACA Parts 2, 3, and 7 respectively.

The Canadian Accessibility Standards Development Organization, which operates under the name “Accessibility Standards Canada (ASC),” is established by section 17(1) of the ACA as a departmental corporation under federal law. It is tasked with developing and revising accessibility standards, the provision of information regarding accessibility standards, the promotion of research into the identification and removal of barriers, and the dissemination of information on best practices for the identification and removal of barriers.⁴⁰

The ASC is an “accredited standards development organization,” and it creates “accessibility standards for federally-regulated entities and federal organizations, which include government buildings, banks, and federal courts, among others.”⁴¹ For example, most recently the ASC has adopted the European standard EN 301 549:2021 Accessibility requirements for Information and Communication Technologies (ICT) and released it as a National Standard of Canada under the code CAN/ASC - EN 301 549:2024, aiming to advance accessibility in ICT throughout the country.⁴²

Section 37 of the ACA creates an Accessibility Commissioner, who is a member of the Canadian Human Rights Commission and is appointed under subsection 26(1) of the Canadian Human Rights Act. The Commissioner is responsible for enforcing the ACA and the Accessible Canada Regulations (see below).⁴³

Finally, the ACA creates a role for a new special advisor to the minister titled the Chief Accessibility Officer.⁴⁴

Accessible Canada Regulations, issued in accordance with subsections 91(1) and 117(1) of the ACA, entered into force on December 13, 2021.⁴⁵ The regulations set forth reporting requirements for federally regulated organizations regarding the identification and removal of existing barriers.

3. Copyright Act

The relevant parts of the Copyright Act are discussed in Part II(B)(1) above.

4. Provincial Accessibility Acts

Some Canadian provinces also have their own accessibility acts. For example, in 2005, Ontario enacted the Accessibility for Ontarians with Disabilities Act (AODA), which provides for the

⁴⁰ ACA sec. 18.

⁴¹ See *About us*, Accessibility Standards Canada (last modified Aug. 10, 2023), <https://perma.cc/UF8A-SL8C>.

⁴² See Accessibility Standards Canada, Accessibility Standards Canada adopts the globally recognized accessibility standard for ICT products and services, News Release (May 31, 2024), <https://perma.cc/EAA3-U3DV>.

⁴³ ACA secs. 38, 39 & 98.

⁴⁴ ACA sec. 113.

⁴⁵ Accessible Canada Regulations, SOR/2021-241, <https://perma.cc/4F8V-D7GC>.

development of accessibility standards and their enforcement in Ontario.⁴⁶ Section 1 of AODA defines the purpose of the act as

- a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and (b) providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.

Similarly, in 2021, British Columbia adopted the Accessible British Columbia Act which requires the government and certain prescribed organizations to form accessibility committees and adopt accessibility plans to “identify, remove and prevent barriers to individuals in or interacting with [them].”⁴⁷

The provinces of Quebec, Saskatchewan, Nova Scotia, Manitoba, and Newfoundland and Labrador have also enacted their own accessibility laws setting minimum standards.⁴⁸

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Libraries

Canada has several public library systems, organized and funded at the provincial and territorial level.⁴⁹ There are currently two publicly funded accessible library services operating in Canada that provide nationwide services.

Furthermore, public libraries, such as the Library and Archives Canada (LAC, Canada’s national library) and the Bibliothèque et Archives nationales du Québec (BAnQ) have adopted action plans as required by the applicable law to remove barriers to the use of their services by disabled persons.⁵⁰ Nevertheless, it does not appear that these public libraries have a legal obligation to specifically serve blind or visually impaired persons besides their general obligation to

⁴⁶ Accessibility for Ontarians With Disabilities Act, 2005, SO 2005, c 11, <https://perma.cc/E65Q-KSEP>.

⁴⁷ Accessible British Columbia Act, SBC 2021, c 19, <https://perma.cc/Y278-GM3P>.

⁴⁸ Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration, CQLR c E-20, <https://perma.cc/P8N6-RLD4> (Quebec); Accessible Saskatchewan Act, SS 2023, c 19, <https://perma.cc/2UKA-28WA> (Saskatchewan); Accessibility Act, SNS 2017, c 2, <https://perma.cc/ZJC4-CX9M> (Nova Scotia); The Accessibility for Manitobans Act, CCSM c A1.7, <https://perma.cc/8VAV-4YXY> (Manitoba); Accessibility Act, SNL 2021, c A-1.001, <https://perma.cc/TS7S-L6YM> (Newfoundland and Labrador). See Walker, Manson & Munn-Rivard, *supra* note 19, at p. 13.

⁴⁹ Virginia Wilson, *Public Libraries in Canada: An Overview*, 29 *Library Mgmt.* 556 (2008), <https://perma.cc/99YW-ZGKV>.

⁵⁰ See *Library and Archives Canada's Accessibility Plan*, LAC Website (last modification July 19, 2024), <https://perma.cc/WLL7-JSSK>.

implement accessibility measures under federal and provincial level antidiscrimination and accessibility legislation.

a. NNELS

In 2013, the National Network for Equitable Library Service (NNELS) was launched to create an interjurisdictional accessible library system at the national level. The purpose of the NNELS is to make books in accessible formats available to persons with print disability in Canada.⁵¹ “Print disability” in this context is defined by the Canadian Copyright Act as

a disability that prevents or inhibits a person from reading a literary, musical, artistic or dramatic work in its original format and includes such a disability resulting from (a) severe or total impairment of sight or the inability to focus or move one’s eyes; (b) the inability to hold or manipulate a book; or (c) an impairment relating to comprehension (déficience de lecture des imprimés).⁵²

The collection serviced by the NNELS is owned and sustained by the participant public libraries. Currently, NNELS has access to a catalog of approximately 50,000 items.

The provincial governments of British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, Northwest Territories, Nunavut, and Yukon jointly fund and support the NNELS. While the provinces of New Brunswick, Newfoundland and Labrador, Ontario, Quebec, Prince Edward Island do not participate in the NNELS, the Network has adopted a National Service Model in October 2017 whereby Canadians with print disability can use the service wherever they live, albeit with certain restrictions if they live in a non-participating province.⁵³

b. CELA

The Centre for Equitable Library Access (CELA) is a not-for-profit organization established in 2014 and funded by provincial and territorial governments and through direct subscriptions from libraries and library systems. CELA provides access to its users to a collection in multiple accessible formats such as audio, braille, and printbraille.⁵⁴ CELA also provides access to the US-based Bookshare, which is an accessible online library service that “offers more than 1 million titles.”⁵⁵ The CELA website states that it has a “collection of 1 million items, which include newspapers, magazines, and books in accessible formats such as audio, e-text and braille.” It is not clear whether this number includes the titles accessible through Bookshare.

⁵¹ *About NNELS*, NNELS, <https://perma.cc/HUW7-CM6W>.

⁵² Copyright Act, sec. 32.01(8).

⁵³ National Network for Equitable Library Service, *Hey, History! NNELS is Now Available Across Canada*, NNELS website (Oct. 2, 2017), <https://perma.cc/5EAD-HST6>.

⁵⁴ Printbraille are “children’s picture books that have a transparent sheet between each page. The transparent sheets have uncontracted braille (an individual braille cell represents each text letter in the story).” *What is printbraille*, [accessiblelibraries.ca](https://perma.cc/MX2D-CHGE) (Jan. 19, 2022), <https://perma.cc/MX2D-CHGE>.

⁵⁵ *Collections*, CELA, <https://perma.cc/YB54-HS77>.

CELA assumed the responsibilities of the former library of the Canadian National Institute for the Blind, a registered charity organization.⁵⁶

c. Public Library Accessibility Resource Centre (PLARC)

PLARC is a collaborative project launched jointly by NNELS and CELA with the goal of “support[ing] Canadian libraries and their staff by offering resources and training on a broad range of topics related to accessibility and to further the discussion and awareness of accessibility through presentations, studies, training and advocacy.”⁵⁷ PLARC does not provide library services but operates the Accessible Libraries website that functions as a repository of resources for librarians and other stakeholders working regarding different aspects of the integration of accessibility in library services, such as procurement and acquisition, cataloging, staff training and awareness, information technology, outreach and home services, and public services for patrons.⁵⁸

2. Public Legal Information

The Access to Information Act governs the public’s access to information controlled by the Government of Canada.⁵⁹ Under section 12(3) of the act, the government is required to provide access to information and records in alternative formats to accommodate persons with sensory disabilities, if the record already exists in a suitable alternative format, or if the conversion of the format is necessary for the exercise of the requester’s right to access information under the act.⁶⁰ Section 12(3) provides

[w]here access to a record or a part thereof is to be given under this Part and the person to whom access is to be given has a sensory disability and requests that access be given in an alternative format, a copy of the record or part thereof shall be given to the person in an alternative format (a) forthwith, if the record or part thereof already exists under the control of a government institution in an alternative format that is acceptable to that person; or (b) within a reasonable period of time, if the head of the government institution that has control of the record considers the giving of access in an alternative format to be necessary to enable the person to exercise the person’s right of access under this Part and considers it reasonable to cause that record or part thereof to be converted.

⁵⁶ The Canadian National Institute for the Blind changed its official name to CNIB in 2010. *Canadian National Institute for the Blind Changes Name to CNIB*, CNIB (Jan. 14, 2010), <https://perma.cc/FN2F-5DMJ>.

⁵⁷ Public Library Accessibility Resource Centre, *About Accessible Libraries*, [accessiblelibraries.ca](https://perma.cc/JZE4-TXZV) (last accessed Nov. 4, 2024), <https://perma.cc/JZE4-TXZV>.

⁵⁸ *Id.*

⁵⁹ Access to Information Act, RSC 1985, c A-1, <https://perma.cc/MM64-C858>.

⁶⁰ Section 3 of the Access to Information Act defines “alternative format” as “a format that allows a person with a sensory disability [defined as “a disability that relates to sight or hearing” under the same section] to read or listen to that record.”

B. Right to Access to Justice

In Canada, there are separate civil procedure rules for federal and provincial courts.

1. Federal Court Rules

The Federal Courts Rules,⁶¹ which provide rules regulating the practice and procedure in the federal court of appeal and the federal court, do not expressly include special accessibility rules for persons with disabilities.

2. Canada Evidence Act

The federal Canada Evidence Act provides accommodations for persons with physical and mental disabilities. The act authorizes courts to order that witnesses with physical and mental disabilities be permitted to give evidence “by any means that enables the evidence to be intelligible.”⁶²

3. Civil Procedure Rules in Provinces

The Ontario Rules of Civil Procedure, which has been largely adopted by other provinces, does not expressly include special accessibility rules for persons with disabilities, other than a general rule giving the court the power to issue an order directing an alternative method of attendance where a party, witness, or lawyer is unable to attend a hearing “because of infirmity, illness or any other reason.”⁶³

Quebec, which is the only civil law province in Canada, has its own Code of Civil Procedure.⁶⁴ The Code of Civil Procedure of Quebec includes specific rules for witnesses with disabilities who cannot attend the hearings and who are unable to hear or to speak by reason of their disability.⁶⁵

C. Right to Culture

Following the enactment of the Accessible Canada Act, the Government of Canada has also been taking measures to ensure persons with disabilities have facilitated access to culture. One example of this is the Online Streaming Act⁶⁶ which amends the Broadcasting Act⁶⁷ to have broadcasters, including online streaming services, make programs accessible without barriers to

⁶¹ Federal Court Rules, SOR/98-106, <https://perma.cc/CY2S-Y58D>.

⁶² Canada Evidence Act, RSC 1985, c C-5, art. 6(1)-(2), <https://perma.cc/497A-LJLT>.

⁶³ Rules of Civil Procedure, RRO 1990, Reg 194, sec. 1.08(6), <https://perma.cc/E33D-MFG3>.

⁶⁴ Code of Civil Procedure, CQLR c C-25.01, <https://perma.cc/Y4N6-K7TE>.

⁶⁵ Id arts. 296, 299.

⁶⁶ Online Streaming Act, SC 2023, c 8, <https://perma.cc/54A2-C8ZW>.

⁶⁷ Broadcasting Act, SC 1991, c 11, <https://perma.cc/XH5D-ZAMG>.

persons with disabilities.⁶⁸ The Online Streaming Act also “allows for the imposition of administrative monetary penalties for violations of certain provisions of that Act or of the Accessible Canada Act.”⁶⁹

The current Broadcasting Act now has several provisions concerning accessible programming.

Section 3(1) of the Broadcasting Act declares that the broadcasting policy of Canada should “through its programming and the employment opportunities arising out of its operations, serve the needs and interests of all Canadians – including Canadians of diverse . . . abilities and disabilities . . . and reflect their circumstances and aspirations[.]”⁷⁰ It further declares as the broadcasting policy for Canada that “programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including through community broadcasting, as well as the opportunity for them to develop their own content and voices”⁷¹ and “programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including without limitation, closed captioning services and described video services available to assist persons living with a visual or auditory impairment.”⁷² Moreover, section 5(2) states that “the Canadian broadcasting system should be regulated and supervised in a flexible manner that facilitates the provision of programs that are accessible without barriers to persons with disabilities.”⁷³ The act also provides that

the Commission⁷⁴ may, in furtherance of its objects, make orders imposing conditions on the carrying on of broadcasting undertakings that the Commission considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1), including conditions respecting . . . access by persons with disabilities to programming, including the identification, prevention and removal of barriers to such access.⁷⁵

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

No current legislative proposals on access to information for persons with disabilities were found.

⁶⁸ The Online Streaming Act, which was assented to on April 27, 2023, is the first major reform of the Broadcasting Act since its enactment in 1991. See *Online Streaming Act*, Govt. of Canada, <https://perma.cc/NF96-UYFM>.

⁶⁹ As provided for in the Summary part of the Online Streaming Act.

⁷⁰ Broadcasting Act sec. 3(1)(d)(iii).

⁷¹ Id. sec. 3(1)(p).

⁷² Id. sec. 3(1)(p.1).

⁷³ Id. sec. 5(2)(e.1).

⁷⁴ “Commission” refers to the Canadian Radio-television and Telecommunications Commission established by the Canadian Radio-television and Telecommunications Commission Act. Id. sec. 2(1).

⁷⁵ Id. sec. 9.1(1)(k).

China

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SUMMARY In China, the Law on the Protection of Disabled Persons provides equal rights for persons with disabilities, including visual, hearing, speech, physical, intellectual, or mental disabilities. The Law on the Development of Barrier-Free Environments enacted in 2023 requires the state to take measures to promote the development of barrier-free environments and provide access to information for disabled persons and the elderly.

Internet websites, service platforms, and mobile internet applications funded by the government are required by law to gradually comply with barrier-free standards. Courts, arbitration institutions, and legal aid institutions in China are required by law to provide barrier-free services for disabled persons and the elderly to participate in litigation and arbitration activities and receive legal aid. In criminal proceedings, if a suspect is blind, deaf, mute, or mentally ill and has not hired a lawyer or defender, the court, procuratorate, and the public security organ must request a legal aid agency to appoint a lawyer as the defender.

I. Introduction

The People's Republic of China (PRC or China) has nearly 86 million disabled people, constituting 6.34% of the total population, according to the official government statistics.¹

A disabled person is defined as one who suffers from abnormalities or loss of a certain organ or function, psychologically or physiologically, or in anatomical structure and who has lost, wholly or in part, the ability to perform an activity in the way considered normal. Disabled persons include those with visual, hearing, speech, physical, intellectual, or mental disabilities, multiple disabilities, or other disabilities.²

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¹ *In 2023, Examination Results for the Work on Persons with Disabilities Are Excellent*, China Charity Fed'n (Jan. 18, 2024), <https://perma.cc/3QQ8-LK3X> (in Chinese).

² Law on the Protection of Disabled Persons (adopted by the National People's Congress Standing Committee (NPCSC) on Dec. 28, 1990, as amended Oct. 26, 2018), <https://perma.cc/HLE3-QJJS> (in Chinese).

II. Legal Framework

A. Constitutional Protections

The PRC Constitution declares that the state and society will assist arrangements for the work, livelihood, and education of citizens who are blind, deaf, mute, or have other disabilities. Article 45 of the Constitution provides that

Citizens of the People's Republic of China shall have the right to material assistance from the state and society when they are aged, ill or have lost the capacity to work. The state shall develop the social insurance, social relief, and medical and health services necessary for citizens to enjoy this right.

The state and society shall guarantee the livelihood of disabled military personnel, provide pensions to the families of martyrs, and give preferential treatment to the family members of military personnel.

The state and society shall assist arrangements for the work, livelihood and education of citizens who are blind, deaf, mute or have other disabilities.³

B. International Obligations

China signed the Marrakesh Treaty in 2013. The treaty was ratified by the Standing Committee of China's National People's Congress (NPCSC) on October 23, 2021,⁴ and went into force in China on May 5, 2022.⁵

The NPCSC ratified the Convention on the Rights of Persons with Disabilities in June 2008. The convention went into force in China in September 2008.⁶

Regarding the United Nations Sustainable Development Goals (SDG), China reported its progress in 2023, including education of disabled children (SDG 4), protection of the rights of disabled women (SDG 5), employment of disabled persons (SDG 8), and construction of barrier-free public spaces (SDG 11).⁷

³ PRC Constitution (1982, as amended Mar. 11, 2018) art. 45, <https://perma.cc/QF3J-FVU8> (in Chinese), <https://perma.cc/448T-9WU9> (English translation).

⁴ Decision of the NPCSC on Approving the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Oct. 23, 2021), <https://perma.cc/DY7J-Z235> (in Chinese).

⁵ *WIPO-Administered Treaties*, WIPO, <https://perma.cc/37QE-9WH7>.

⁶ *China Accepts Review of Implementation of the Convention on the Rights of Persons with Disabilities*, Gov.cn (Aug. 23, 2022), <https://perma.cc/Y5S6-LRJD> (in Chinese).

⁷ Ctr. for Int'l Knowledge on Dev., *China's Progress Report on Implementation of the 2030 Agenda for Sustainable Development* (Sept. 2023), <https://perma.cc/6TWW-6GDK>.

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

In China, the rights of persons with disabilities are primarily protected by the Law on the Protection of Disabled Persons. The Law on the Development of Barrier-Free Environments enacted in 2023 governs the construction and implementation of accessible environments, including access to information for the disabled persons and the elderly. As of 2023, the country had reportedly passed more than 90 laws and over 50 administrative regulations that include provisions for protecting the rights of persons with disabilities. Local legislatures have also enacted their own regulations in this regard.⁸

1. *Law on the Protection of Disabled Persons*

The Law on the Protection of Disabled Persons was first passed by the NPCSC in 1990 in accordance with the Constitution and modified in 2008 and 2018. It provides equal rights for persons with disabilities, including visual, hearing, speech, physical, intellectual, or mental disabilities and prohibits discrimination based on disability.⁹

Under this law, the state takes steps to support people with disabilities and promote their participation in society.¹⁰ The law covers rehabilitation, education, employment, cultural life, social security for disabled persons, and the construction of barrier-free environments.¹¹ It also provides for legal liabilities for those who violate the rights of people with disabilities.¹²

2. *Law on the Development of Barrier-Free Environments*

The Law on the Development of Barrier-Free Environments was enacted in 2023 to govern the construction and implementation of accessible environments to ensure equal, full, and easy participation and integration of disabled persons and the elderly into social life.¹³ The law requires the state to take measures to promote the development of barrier-free environments and provide facilitation for disabled persons and the elderly to

- independently and safely pass along roads,
- enter and exit buildings,
- take public transport means,

⁸ Xu Hang, *Law Warms People's Hearts and Allows People with Disabilities to Share a Better Life*, NPC.gov.cn (Jan. 10, 2023), <https://perma.cc/JS4G-CC4T> (in Chinese).

⁹ Law on the Protection of Disabled Persons arts. 2, 3.

¹⁰ Id. art. 4.

¹¹ Id. chaps. II–VII.

¹² Id. chap. VIII.

¹³ Law on the Development of Barrier-Free Environments (adopted by the NPCSC on June 28, 2023, effective Sept. 1, 2023) art. 1, <https://perma.cc/M5G9-93HT> (in Chinese).

- obtain, use and exchange information, and
- access social services.¹⁴

3. *Law on the Protection of Minors*

The Law on the Protection of Minors requires governments at all levels to take measures to ensure that minors with disabilities receive compulsory education.¹⁵ The law requires governments at all levels to ensure that disabled minors who can receive general education and can adapt to campus life receive education in ordinary schools and kindergartens nearby. For those who cannot receive a general education, the government should ensure they receive preschool, compulsory, or vocational education in special schools and kindergartens.¹⁶

4. *Support of Disabled Veterans*

Disabled veterans are entitled to preferential treatment in employment, medical services, admission to social welfare institutions, etc., according to the Veteran Support Law.¹⁷ Veterans with disabilities are also entitled to a pension under the law.¹⁸

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

The Law on the Protection of Disabled Persons establishes that the state and society will organize and support the compilation, writing, and publication of Braille books, audio books for persons with visual impairments, and other reading materials for disabled persons. The law requires public libraries to set up reading rooms of Braille books and audio books for persons with visual impairments.¹⁹

In June 2011, the China Braille Library was opened in Beijing. The library has reportedly received support from the China Disabled Persons Federation and various government departments.²⁰

¹⁴ Id. art. 2.

¹⁵ Law on the Protection of Minors (adopted by the NPCSC on Sept. 4, 1991, as revised Oct. 17, 2020) art. 83, <https://perma.cc/9NWX-3BBD> (in Chinese).

¹⁶ Id. art. 86.

¹⁷ Veteran Support Law (adopted by the NPCSC on Nov. 11, 2020, effective Jan. 1, 2021) arts. 40, 52, & 54, <https://perma.cc/LFC9-A645> (in Chinese).

¹⁸ Id. art. 56.

¹⁹ Law on the Protection of Disabled Persons art. 43.

²⁰ *China Library for the Blind Opens to Provide Blind People with a Variety of Cultural Services*, Gov.cn (June 28, 2011), <https://perma.cc/W8GQ-RAW8> (in Chinese).

2. *Public Legal Information*

According to the Law on the Protection of Disabled Persons, the state takes measures to ensure that disabled persons participate in the administration of the state's affairs, economy, cultural undertakings, and social affairs. When making laws, regulations, rules, and public policies, the opinions of disabled persons and of their organizations must be solicited on significant issues involving the rights and interests of disabled persons and undertakings for disabled persons. Disabled persons and their organizations have the right to express their opinions and offer suggestions to the state organs on the protection of the rights and interests of disabled persons.²¹

The law requires governments at all levels to take measures to help disabled persons access public information.²² Public services and public places are required to provide information services, such as voice or text prompts, sign language, or Braille, and preferential and assistive service for disabled persons.²³

The Law on the Development of Barrier-Free Environments requires all internet websites, service platforms, and mobile internet applications that have been established with government funds to gradually comply with barrier-free website design standards and national barrier-free information standards.²⁴

B. Right to Access to Justice

The Law on the Development of Barrier-Free Environments requires courts, arbitration institutions, and legal aid institutions in China to provide accessible services for the disabled and the elderly to participate in litigation and arbitration activities and receive legal aid.²⁵ The state also encourages law firms, notarial institutions, and other legal service institutions to provide barrier-free services.²⁶

Under the Criminal Procedure Law, in criminal proceedings nationwide, if a suspect is blind, deaf, mute, or mentally ill and has not hired a lawyer or defender, the court, procuratorate, and the public security organ must request a legal aid agency to appoint a lawyer as the defender.²⁷

²¹ Law on the Protection of Disabled Persons art. 6.

²² *Id.* art. 54.

²³ *Id.* art. 55.

²⁴ Law on the Development of Barrier-Free Environments art. 32.

²⁵ *Id.* art. 41.

²⁶ *Id.*

²⁷ Criminal Procedure Law (adopted by the National People's Congress on July 1, 1979, as amended Oct. 26, 2018) art. 35, <https://perma.cc/P7V9-K3RK> (in Chinese).

C. Right to Culture

The Law on the Protection of Disabled Persons directs that the state must guarantee disabled persons' equal right to participate in cultural life.²⁸ The law sets out the following measures to be adopted to enrich the cultural life of disabled persons:

1. Reflecting the work and life of disabled persons through radio, film, television, press and periodicals, books, internet and other media in the interests of disabled persons;
2. Organizing and supporting the compilation, writing and publication of Braille books, talking books for blind persons and other reading materials for disabled persons; setting up reading rooms of Braille books and talking books for blind persons in public libraries;
3. Offering TV programs in sign language, setting up special broadcasting programs for disabled persons and promoting subtitling or narrations in movies and TV programs;
4. Organizing and supporting disabled persons to participate in mass cultural, sports and recreation activities, staging special art performances, holding special sports meetings and participating in international sports games and exchanges; and
5. Providing facilities and accommodations for disabled persons at places of cultural, sports, recreation and other public activities. Setting up, in a planned way, activity centers for disabled persons.²⁹

The Law on the Development of Barrier-Free Environments requires libraries, museums, cultural centers, and science and technology centers that provide public cultural services to consider the characteristics of the disabled persons and the elderly and create conditions to provide information, barrier-free facilities, equipment, and services that meet their needs.³⁰

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

No current legislative proposals on access to information for persons with disabilities were located.

²⁸ Law on the Protection of Disabled Persons art. 41.

²⁹ Id. art. 43.

³⁰ Law on the Development of Barrier-Free Environments art. 36.

Colombia

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SUMMARY Colombia has an extensive *corpus juris* regulating and protecting people with disabilities. Colombia has adopted several international instruments, including the Convention on the Rights of Persons with Disabilities and the Interamerican Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities. Colombia's Constitution protects the rights of people with disabilities. Colombia has passed legislation to protect the rights of people with disabilities and has created measures to ensure those rights are guaranteed. Currently, there are a few proposed bills, and among them the most relevant is the proposal to adopt the Protocol to the Convention on the Rights of Persons with Disabilities.

I. Introduction

From its Constitution,¹ to codes, decrees, and regulations, Colombia has developed a voluminous set of rules that provide for the protection of people with disabilities.

Since the adoption of the Convention on the Rights of Persons with Disabilities,² Colombia has passed laws that define, recognize, and set responsibilities for itself on ways to ensure that people with disabilities can be included in society in an adequate manner while respecting their needs. Colombia's guiding principle in special needs legislation is equality, and the relevant regulatory body purportedly bases regulations on this principle.

This report discusses the most relevant and specific laws created to address the needs of people with disabilities in all their forms. Many laws that are intended for general application include clauses targeting protection of people with disabilities, among other protected groups such as children and the elderly.

II. Legal Framework

A. Constitutional Protections

Colombia's Constitution recognizes the equality of all persons before the law and their right to equal protection, treatment, rights, and opportunities without any discrimination. Article 13 of the Constitution imposes an obligation on Colombia to "especially protect people who, due to their economic, physical or mental condition, find themselves in a situation of manifest weakness."

¹ Colom. Const. 1991, <https://perma.cc/D3FL-FW4D>.

² Convention on the Rights of Persons with Disabilities, 2515 U.N.T.C. 3, ratified May 10, 2011, <https://perma.cc/BB4K-MF6D>.

Article 13 sets out the basis of the protections for people with disabilities and the legislation enacted to protect them.

There are a few other constitutional provisions that specifically refer to people with disabilities. For instance, article 47 creates an obligation for Colombia to “create a policy of prevention, rehabilitation and social integration for people with disabilities, to whom specialized attention they require will be provided.”

Two other articles specifically address people with disabilities: articles 54 and 68. Article 54 focuses on the right to work for individuals with disabilities, outlining the responsibilities of both Colombia and employers to provide professional and technical training and qualifications for those in need. Meanwhile, article 68 guarantees the right to education for people with disabilities.

B. International Obligations

Colombia has ratified different human rights treaties that protect the rights of people with disabilities. Among the international instruments are the following:

- Universal Declaration of Human Rights,³
- International Labor Organization Convention No. 159,⁴ and its recommendation 168,⁵
- Convention on the Rights of Children,⁶
- Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities,⁷ and
- UN Convention on the Rights of Persons with Disabilities.

Once approved by Colombia’s legislature, the incorporation of human rights law into the Colombian legal system becomes on par with constitutional law, as outlined in Article 93 of the Colombian Constitution. This article states that “international treaties and conventions ratified by Congress that recognize human rights and prohibit their limitation during states of exception shall prevail in the internal legal order.” Article 93 also states that “[t]he rights and duties mentioned in this Charter shall be interpreted in accordance with international treaties on human rights ratified by Colombia.”

³ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), <https://perma.cc/PYP7-34CS>.

⁴ Vocational Rehabilitation and Employment (Disabled Persons) Convention, adopted by the Governing Body of the International Labor Organization at Its 69th Session (Geneva, June 1983), <https://perma.cc/7GRX-CK2H>.

⁵ Employment Promotion and Protection Against Unemployment Convention, adopted by the Governing Body of the International Labor Organization at Its 75th Session (Geneva, June 1988), <https://perma.cc/3D83-NNG4>.

⁶ Convention on the Rights of the Child, 1577 U.N.T.S. 3, 28 I.L.M. 1456 (1989), <https://perma.cc/2V6A-Y6H3>.

⁷ Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities, June 8, 1999, AG/RES. 1608 (XXIX-O/99), <https://perma.cc/QJQ6-BYGW>.

Additionally, Colombia adopted the Marrakesh Treaty on June 22, 2021.⁸ However, the Marrakesh Treaty is not catalogued as a human rights treaty, and its integration into the Colombian *corpus juris* is as ordinary law rather than constitutional law.

There are other non-binding declarations, resolutions and recommendations that Colombia uses to guide the protection of the rights of people with disabilities regarding specific areas, such as

- Health:
 - UN Declaration on the Rights of Mentally Retarded Persons,⁹
 - G.A. Res. 62/139 “World Autism Awareness Day,”¹⁰
 - G.A. Res. 62/127 “Implementation of the World Programme of Action Concerning Disabled Persons: Realizing Millennium Development Goals for Persons with Disabilities,”¹¹
 - Resolution of Persons with Mental Illness and the Improvement of Health Care,¹²
- Labor:
 - ILO Recommendation No. 99,¹³
 - ILO Recommendation No. 168 on Vocational Rehabilitation and Employment,¹⁴
- Education: Declaration of Salamanca,¹⁵
- Right to Equal Treatment: Standard Rules on the Equalization of Opportunities for Persons with Disabilities,¹⁶
- Integral Development:
 - Copenhagen Declaration on Social Development,¹⁷

⁸ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled art. 11, June 27, 2013. See also L. 138/20, April 28, 2021 Gaceta del Congreso [G.C.] 346/2021 (Colom.), <https://perma.cc/9GHC-TU6M>.

⁹ U.N. Declaration on the Rights of Mentally Retarded Persons, Dec. 20, 1971, <https://perma.cc/5CM9-TA5W>.

¹⁰ G.A. Res. 62/139 (Jan. 21, 2008), <https://perma.cc/4XB8-Q9MQ>.

¹¹ G.A. Res. 62/127 (Jan. 24, 2008), <https://perma.cc/QMX8-YX47>.

¹² G.A. Res. 46/119 (Dec. 17, 1991), <https://perma.cc/K6WL-SGBH>.

¹³ ILO Recommendation No. 99 (1955), <https://perma.cc/4TYU-KHQ3>.

¹⁴ ILO Recommendation No. 168 (1983), <https://perma.cc/784T-6RPZ>.

¹⁵ UNESCO, The Salamanca Statement and Framework for Action on Special Needs Education (1994), <https://perma.cc/CS39-J7NC>.

¹⁶ G.A. Res. 48/96 annex, Standard Rules on the Equalization of Opportunities for Persons with Disabilities (Dec. 20, 1993), <https://perma.cc/5ERW-C4R5>.

¹⁷ A/CONF.166/9 Copenhagen Declaration on Social Development (Mar. 14, 1995), <https://perma.cc/N3Q3-PVNM>.

- Declaration of the Rights of Disabled, International Pact on Economic, Social and Cultural Rights, World Programme of Action Concerning Disabled Persons, Declaration of Rights of Deaf-Blind Persons,¹⁸
- Policy: Declaration of Cartagena de Indias on the Integral Policies for People with Disabilities in Iberoamerica,¹⁹
- Disabled Children: Declaration of Panama: “Disability is a Human Rights Matter: The Right to Equalization of Opportunities and the Respect for Diversity,”²⁰ and
- Access to Justice: Rules of Brasilia on the Access to Justice of People in Condition of Vulnerability.²¹

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

Law 1618 of 2013 enacts regulations to guarantee the full exercise of the rights of people with disabilities. This is the main instrument setting forth protections, responsibilities, and guidance to assure the respect for the fundamental rights of people with disabilities, such as the right to education, right to health, right to access information, right to work, right to culture, right to recreation, right to housing, and right of access to justice.²² This law also provides for specific regulations to address the needs of children and women.²³

Among other relevant regulations that specifically protect the rights of people with disabilities are

- Law 361 of 1997,²⁴ which creates mechanisms to achieve the social integration of people with disabilities.
- Law 1145 of 2007,²⁵ which creates and regulates the functions for a specialized governmental institution in charge of the organization and implementation of the National Disability System, including overseeing and guaranteeing the human rights of people with disabilities in Colombia.

¹⁸ UN Economic and Social Council E/DEC/1979/24, Declaration on the Rights of Deaf-Blind Persons (1979), <https://perma.cc/6VYW-WP48>.

¹⁹ Iberoamerican Summit. Declaración de Cartagena de Indias sobre Políticas Integrales para las Personas con Discapacidad en el Área Iberoamericana [Declaration of Cartagena de Indias on the Integral Policies for People with Disabilities in Iberoamérica] (1992), <https://perma.cc/XV5W-CSWB>.

²⁰ Declaration of Panama (2000), <https://perma.cc/3LHQ-68E5>.

²¹ Rules of Brasilia on the Access to Justice for People in Condition of Vulnerability (Mar. 2008), <https://perma.cc/ZBT2-77UH>.

²² L. 1618, Feb. 27, 2013, Gaceta del Congreso [Congress Gazette] [G.C.] No. 106/2013 (Law 1618 of 2013); arts. 10, 11, 13, 14, 17, 18, 20, & 21, <https://perma.cc/AZ8S-UUK8>.

²³ Id. arts. 7, 25.

²⁴ L. 361/97, Feb. 11, 1997 (Colom.), <https://perma.cc/5DNZ-6QPJ>.

²⁵ L. 1145/07, July 10, 2007 (Colom.), <https://perma.cc/C6W9-JJWZ>.

- Law 1996 of 2019,²⁶ which sets out the ways a disabled person of age can exercise his or her legal rights.
- Law 2294 of 2003,²⁷ which describes a national plan for Colombia to become a leader in providing protection to life and guaranteeing peace. This law includes people with disabilities as a protected class that deserves special opportunities.
- Law 2281 of 2023,²⁸ which creates the Ministry of Equality and Equity to eradicate inequalities and bring balance to the access of opportunities for vulnerable populations, including people with disabilities.
- Law 1752 of 2015,²⁹ which criminalizes and sanctions certain discriminatory acts.

III. Rights of Persons with Disabilities

A. Right to Information

In Colombia, citizens have the right to information. This right is established as a constitutional guarantee. Article 20 of the Colombian Constitution reads “every person [is guaranteed] the freedom of express[ing] and spread[ing] their thoughts and opinions, inform and receive truthful and impartial information and that of funding mass media.”³⁰

Regulations also exist on the specific access to information for people with disabilities.³¹ Some of the measures that have been taken to facilitate access to information include incorporating sign language, subtitles or closed captions in television programs, creating a training program in the technology for effective communication of information to people with disabilities, and guidance on access to information within the public administration.³²

Although the law guaranteeing the full exercise of the rights of people with disabilities mandates that all national entities ensure the inclusion of individuals with disabilities,³³ there are still limited services available to this population. For example, while there is a government-funded virtual library for blind individuals, it lacks the necessary accessibility tools to navigate the platform. Additionally, there is no physical library that guarantees access to information for blind people.³⁴ Furthermore, the virtual library does not offer access to public documents, leaving it up to each national entity to provide such access individually.

²⁶ L. 1996/19, Aug. 26, 2019, (Colom.), <https://perma.cc/W2DS-34ER>.

²⁷ L. 2294/03, May 9, 2003 (Colom.), <https://perma.cc/P7X3-623D>.

²⁸ L. 2281/03, Jan. 4, 2003 (Colom.), <https://perma.cc/RRE3-NSHY>.

²⁹ L. 1752/15, June 3, 2015 (Colom.), <https://perma.cc/R8K5-4S7U>.

³⁰ Const. art. 20.

³¹ Law 1618 of 2013.

³² Id. art. 16.

³³ Law 1618 of 2013.

³⁴ Biblioteca Virtual INCI, Gov.co, <https://perma.cc/93CS-74VH>.

The right to access public information is also a constitutional right in Colombia. The Colombian Constitution states that “[e]very person has the right of access to public documents except in cases established by statute.”³⁵

As mentioned in Section II.C above, Law 1618 of 2013 guarantees people with disabilities the right to accessible means of acquiring information. Similarly, Law 1680 of 2013 ensures that blind individuals have access to information, knowledge, and information and communication technologies.³⁶ The law also mandates the use of text-to-speech software, enabling blind people to access public information.

Additionally, regulations require the provision of sign language interpreters for deaf individuals. Decree 2369 stipulates that any public company, library, documentation center, or place offering general information, as well as any government or non-government institution serving the public, must provide sign language interpreters when needed.³⁷

B. Right to Access to Justice

The UN Convention on the Rights of Peoples with Disabilities affirms that individuals with disabilities have the right to access justice on an equal basis with others. This includes the right to adjust legal proceedings to ensure the effective participation of people with disabilities, particularly when they are involved as witnesses during investigations and during judicial proceedings.³⁸ For instance, if a person is unable to communicate verbally, an alternative, accepted means of communication should be provided.

Article 21 of Law 1618 of 2013 guarantees access to justice for people with disabilities in Colombia. It provides measures to be used by government offices to allow the participation of a person with disabilities. Some of these measures are preventative and directed to educate and sensitize civil servants about the needs of people with disabilities, to adjust the existing rules to guarantee the decision-making process of people with disabilities, and to strengthen public institutions in order to support the needs of people with disabilities.

C. Right to Culture

Colombia’s laws recognize the right of people with disabilities to participate in the organization, access, and implementation of measures that ensure effective access to culture. However, the language in many of these regulations is broad, granting the state discretion in determining how it will uphold and enforce this right.

Nonetheless, the right to culture is enshrined as a constitutional right for all Colombians. The Colombian Constitution declares, “The State has the obligation to promote and foster access to the culture of all Colombians equally by means of permanent education and scientific, technical,

³⁵ Const. art. 74.

³⁶ L. 1680, 2013, art. 1, Nov. 20, 2013, <https://perma.cc/J89C-V6PG>.

³⁷ Decree 2369, 1997, art. 7 (Colom.), <https://perma.cc/93VP-BE2E>.

³⁸ UN Convention on the Rights of Persons with Disabilities art. 13.

artistic, and professional instruction at all stages of the process of creating the national identity.” This makes it clear that the right to culture encompasses not only the right to education but also the right to freedom of expression and the preservation of cultural identity

1. *Right to Education*

Education is a constitutional right. Article 67 of the Colombian Constitution states: “Education is a right of every person and a public service with a social function. Through education individuals seek the access to knowledge, science, technology, and the other benefits and values of knowledge.”

Law 1618 of 2013 acknowledges the right to education for people with disabilities and designates the Ministry of Education as the responsible authority for overseeing the implementation of its provisions.³⁹

In addition, Decree 2082 of 1996 regulates the educational environment for people with limited capacities or exceptional talents. It stipulates that, to address the needs of the protected population, educational institutions must employ appropriate pedagogical strategies, means of communication, didactic experiences, support systems, and therapeutic or technological tools that are suited to the individual's age and disability.⁴⁰ Furthermore, a curriculum tailored to individuals with physical or medical limitations must be developed, and educational institutions are required to adapt their programs as necessary to meet the unique educational needs of this population.⁴¹

Similarly, Decree 2369 of 1997 provides that all educational institutions must provide services and tools, including sign language interpreters, for the deaf population.⁴² It also encourages the development of specialized educational programs for individuals with hearing impairments, both in schools and in higher education and research centers.⁴³

Colombian legislation outlines specific parameters for the implementation of educational services for people with disabilities. For example, Resolution 2565 of October 24, 2003, provides standards for designing educational plans, selecting personnel, and implementing specialized measures to educate individuals with disabilities.⁴⁴ Likewise, Decree 366 of 2009 organizes the service of pedagogical support for students with disabilities and with exceptional talents or capacities.⁴⁵ This law mentions specific educational measures for deaf and blind people. For example, for deaf people, it mentions the need to provide specialized teachers or class aides who can offer

³⁹ Law 1618 of 2003, art. 11 (Colom.).

⁴⁰ Decree 2082, 1996, art. 2 (Colom.), <https://perma.cc/4Q7N-8QT5>.

⁴¹ Id. arts. 6-11 & art. 16.

⁴² Decree 2369, 1997, art. 14. (Colom.), <https://perma.cc/SL8M-JGYT?type=image>.

⁴³ Id. arts. 18, 20, & 21.

⁴⁴ Ministry of Education of Colombia Res. 2565 (Oct. 24, 2003), <https://perma.cc/XQV4-M5W5>.

⁴⁵ Decree 366, 2009 (Colom.), <https://perma.cc/A655-3WMS>.

pedagogical support when needed and who know how to use and care for hearing equipment.⁴⁶ For blind people, the decree establishes the need to teach Braille for reading, the use of an abacus for teaching mathematics, and provision of someone who can guide them according to their needs.⁴⁷

2. *Right to Expression*

Article 71 of the Colombian Constitution requires the state to incentivize the development of sciences and technologies and any cultural manifestation through which people can express themselves.

As part of the right to culture, Law 1618 of 2013 mandates the Ministry of Culture to promote the visibility of cultural expressions of people with disabilities.⁴⁸ It also stipulates that the state must create campaigns, projects, and programs making use of the diverse artistic expressions to evidence the potential and skills of people with disabilities.⁴⁹

3. *Right to Cultural Identity*

The Constitutional Court of Colombia has defined cultural identity as

the constitutional right that entails the set of references through which a person, individually or collectively defines, builds, communicates and understands itself and thinks to be recognized in its dignity. . . . The general content of this guarantee recognizes every person's right to identify herself with one or several people and not to be assimilated against its will to one or other community or culture.⁵⁰

The Constitutional Court has also explained what participation in cultural life means.

Participation in the cultural life contains the right of every person to i) act freely; ii) choose your own identity; iii) self-identify or not with one or more communities; iv) participate in the political life of society; v) choose your own cultural practices; vi) express yourself in the language of your choice; vii) seek, develop, and share with others your knowledge and cultural expressions; and viii) act creatively and take part in creative activities.⁵¹

As a result, Colombia has passed legislation to promote the participation of people with disabilities by assigning them seats within the National Council of Culture.⁵² Furthermore,

⁴⁶ Id. art 6.

⁴⁷ Id. art 7.

⁴⁸ Law 1618 of 2013, art. 17 incise 4.

⁴⁹ Id. art. 17 incise 6.

⁵⁰ Colombian Constitutional Court, Sentence T-599/16, <https://perma.cc/Y948-JVVN>.

⁵¹ Id.

⁵² Decree 1782, 2013, art. 2 incise 13 (Colom.), <https://perma.cc/DYV6-6L77>.

Decree 627 of 2007 states that the policies for the Arts, Cultural and Patrimony District System must guarantee inclusion, participation and equity for people with disabilities.⁵³

The inclusion and participation in cultural life for people with disabilities is otherwise discretionary. Article 1 of Law 397 of 1997 generally indicates that, when formulating the cultural policy, the state must bear in mind “special treatment for people with physical, sensory and mental limitations.”⁵⁴

Perhaps the most detailed law is Law 1618 of 2013. Article 17 states the right to culture for people with disabilities, indicating certain measures to adopt such as the disposition of a percentage of taxes for the promotion and development of sport and recreation, cultural, and artistic programs for people with disabilities.⁵⁵

Another law that promotes and protects the participation and inclusion of people with disabilities within the cultural sphere is Law 1237 of 2008. This law sets certain measures such as the adaptation of infrastructure,⁵⁶ and it provides for the periodical organization of craft fairs, expositions, festivals, and contests of artistic expression by people with disabilities.⁵⁷

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

As of November 2, 2024, there are seven open legislative proposals. Four of them aim to protect people who are disabled due to a specific illness or condition and two are directed to protect the caregivers of people with disabilities, providing indirect protection for people for disabilities. The current proposals are as follows:

- Proposed legislation that aims to protect caregivers of people with disabilities.
 - A bill that would establish measures to improve personal care for people with disabilities.⁵⁸ This law intends to provide support to caregivers of people with disabilities. It establishes a right for caregivers to access entrepreneurship programs, means of livelihood, health, participation in civic life, and the use of new technologies.⁵⁹ The project is currently pending and is set for a first debate in Colombia’s Senate.⁶⁰

⁵³ Decree 627, 2007, art. 8.3 (Colom.), <https://perma.cc/2V2S-MRW3>.

⁵⁴ Law 397 of 1997, art. 1 incise 13 (Colom.), <https://perma.cc/2HAT-C85S>.

⁵⁵ Law 1618 of 2013, art. 17.

⁵⁶ Law 1237, 2008, art. 2, para. 2 (Colom.), <https://perma.cc/NB6E-TNR3>.

⁵⁷ Id. art. 2.

⁵⁸ Proposal of legislation 204-202 (Colom.), <https://perma.cc/3QX3-Y8WL>.

⁵⁹ Id. art. 1.

⁶⁰ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 193/24 (Colom.), <https://perma.cc/5HGY-7FMZ>.

- A bill that would recognize the work of parents as caregivers of people with severe disabilities. This bill would establish economic support and incentives for caregivers of people with severe disabilities who depend on their caregivers to transport and feed them and satisfy their physiological needs.⁶¹ This proposal is also currently pending and is set for a first debate in the Senate.⁶²
- Laws for people with autism.
 - A bill that would recognize and protect the rights of people with autism syndrome.⁶³ This proposal seeks to protect and guarantee the rights of people living with autism and to guarantee their access to programs, services, and health benefits to allow their inclusion in the community.⁶⁴ It is currently pending a first debate in the Senate.⁶⁵
 - A bill that would establish measures and mechanisms of integral attention, protection, and inclusion of people with autism syndrome, neurodevelopment syndromes, and similar conditions. This proposal would promote the inclusion of neurodivergent individuals and those with similar conditions to facilitate their lives. It would also create mechanisms that would provide early diagnostic services and assistance in matters of health, education, work, and quality of life.⁶⁶ It has been grouped with the previous proposal and is also pending a first debate in the Senate.⁶⁷
 - A bill that would modify article 88 of Law 1801 of 2016 (access to public restrooms for people with disabilities). This proposal would impose on commercial establishments the obligation to ease access to restrooms for children, pregnant women, senior citizens, and people with disabilities.⁶⁸ It is awaiting a first debate in the Senate.⁶⁹

⁶¹ Proposed Legislation 119/24 art. 1 (Colom.), <https://perma.cc/PQ7A-LT6L>.

⁶² Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 119/24 (Colom.), <https://perma.cc/33M2-6L9D>.

⁶³ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 119/24 (Colom.), <https://perma.cc/MYC4-Q5AG>.

⁶⁴ Proposed Legislation, 193/24 art. 1 (Colom), <https://perma.cc/U5ES-XP6Z>.

⁶⁵ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 137/24 (Colom.), <https://perma.cc/U7AW-WD93>.

⁶⁶ Proposed Legislation 137/24 art. 1 (Colom.), <https://perma.cc/68NW-DJMQ>.

⁶⁷ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 137/24 (Colom.), <https://perma.cc/SE8F-ZLH6>.

⁶⁸ Proposed Legislation 64/24 art. 2 (Colom.), <https://perma.cc/C77R-TP93>.

⁶⁹ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 064/24 (Colom.), <https://perma.cc/W74K-KQYD>.

- A bill that would promote and regulate the use of guide or assistance dogs for people with disabilities in public places and the requirements for possessing and using one.⁷⁰ It is pending presentation for a first debate in the Senate.⁷¹
- A bill that modifies Law 1616 of 2013 to promote and care for the mental health of people with disabilities. This proposal would modify certain articles of the law to include measures for prevention and medical attention for people with mental illnesses. It also would include a gender and differential treatment according to the particularities of the population depending on where they live and what resources they have.⁷² It is currently awaiting a second debate in the Senate.⁷³
- A bill that would approve the Optional Protocol to the Convention on the Rights of Persons with Disabilities. This proposal would approve the ratification of the United Nations Protocol to the Convention on the Rights of Persons with Disabilities and bind the country to its requirements at an international level.⁷⁴ It is pending the designation of a presenter to the Senate.⁷⁵
- A bill that would establish measures to improve the lifespan of people diagnosed with amyotrophic lateral sclerosis [ALS] and other orphan diseases. This proposal would create special protection measures to care for people living with ALS.⁷⁶ It is pending submission to the respective commission in the Senate.⁷⁷

⁷⁰ Proposed Legislation 109/24 art. 3 (Colom.), <https://perma.cc/JNW3-9G7M>.

⁷¹ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 109/24 (Colom.), <https://perma.cc/K5ZH-5DLT>.

⁷² Proyecto de Ley Número 143 de 2023 Cámara de Representantes, 2 Congress Gazette 6 (Nov. 23, 2023), <https://perma.cc/VL39-MKUZ>.

⁷³ Estado de los Proyectos de Ley y Actos Legislativos del H. Senado, <https://perma.cc/JUA3-2UKM>.

⁷⁴ Project 275/24 art. 1, <https://perma.cc/CCH3-46AC>.

⁷⁵ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 275/24 (Colom.), <https://perma.cc/LR87-3JHX>.

⁷⁶ Proposed Legislation 292/24 art. 1 (Colom.), <https://perma.cc/EF4U-Z25R>.

⁷⁷ Technical Sheet. [Status of Proposals of Legislation and Legislative Acts] Project 292/24 (Colom.), <https://perma.cc/F4WZ-DD5Z>.

Democratic Republic of the Congo

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SUMMARY The Democratic Republic of Congo (DRC) has established legal protections for persons with disabilities through its constitution, international commitments, and domestic legislation. Key provisions include articles 45 and 49 of the DRC Constitution, which ensure nondiscrimination and specific protections for disabled individuals. Additionally, the 2022 law on disability rights and the 2024 accessibility decree outline measures to enhance access to information, justice, and cultural participation, reflecting a commitment to improving the lives of people with disabilities in the country.

I. Introduction

The Democratic Republic of Congo (DRC) has established legal protections for persons with disabilities, anchored in its constitution and reinforced by recent legislation. The 2022 Law on the Protection and Promotion of the Rights of People Living with Disabilities (2022 Law)¹ prohibits discrimination and ensures accessibility, while a 2024 accessibility decree further outlines practical measures for inclusion.

II. Legal Framework

A. Constitutional Protections

Title II of the DRC Constitution of February 18, 2006, as amended and supplemented by Law 11/002 of January 20, 2011, addresses human rights, fundamental freedoms, and the duties of citizens and the state.²

Article 45 of the DRC Constitution, on freedom of education, stipulates that all individuals have access to national educational institutions without discrimination based on origin, race, religion, sex, political or philosophical opinions, or physical, mental, or sensory conditions, according to their abilities.³ Article 49 provides that seniors and people with disabilities are entitled to specific protection measures aligned with their physical, intellectual, and moral needs.⁴

¹ Loi organique 0°22/003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap, J. O. June 1, 2022, <https://perma.cc/CUD2-K9A8>.

² Constitution de la République Démocratique du Congo Modifiée par la Loi n° 11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006, J. O. Feb. 5, 2011, <https://perma.cc/CZ48-NUD4>.

³ Id. art. 45.

⁴ Id. art. 49.

B. International Obligations

The DRC has not adopted the Marrakesh Treaty.⁵

The Democratic Republic of the Congo joined other states in signing the Millennium Declaration in 2000.⁶

Through Law No. 13-024 of July 07, 2013, the Parliament of the DRC authorized the country's accession to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.⁷ On September 14, 2015, the president of the DRC signed the instrument of accession to the convention and its protocol, which has been deposited with the General Secretariat of the United Nations in New York.⁸

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

1. 2022 Law on the Protection and Promotion of the Rights of People Living with Disabilities

The 2022 Law sets out the application of article 49 of the Constitution, relating to the protection and promotion of the rights of people with disabilities and their participation in national life. This law establishes a legal framework to protect the rights of disabled people and promote their active participation in society, by ensuring equal opportunities and accessibility in various sectors, such as education, employment, and public services.

Disabled children are entitled to specialized education and care, while adults gain access to social services, rehabilitation, and measures that support independence. The state is responsible for promoting the rights of disabled women and ensuring their inclusion in society.

The law highlights the importance of access to information, mobility, and freedom of expression. It provides specific measures to facilitate voting access and encourages active participation of disabled people in social and economic activities. Lastly, it directs public authorities to support associations advocating for disabled people's rights and ensure their representation in public institutions.

2. Accessibility Decree

On March 25, 2024, the DRC passed a decree setting out the practical details of accessibility for people with disabilities to infrastructure, assistance, and other basic social services in the

⁵ WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154, <https://perma.cc/XD3B-926S>.

⁶ Objectifs du Millénaire pour le Développement Rapport National de suivi de progrès pour la République Démocratique du Congo 2004, 2004, <https://perma.cc/L2TN-35CU>.

⁷ Loi n° 13/024 du 07 juillet 2013 autorisant l'adhésion de la République Démocratique du Congo (RDC) à la Convention relative aux droits des personnes handicapées et à son Protocole facultatif, J. O. Aug. 1, 2013, bibliographic information available at <https://lccn.loc.gov/2007217115>.

⁸ Instrument d'adhésion de la République Démocratique du Congo a la Convention relative aux droits des personnes handicapées et protocole facultatif, J. O. Dec. 1, 2015, <https://perma.cc/AS54-REKK>.

Democratic Republic of the Congo (2024 Decree).⁹ This legislation serves as the application decree for the 2022 Law.¹⁰

3. *Ministry Dedicated to Social Affairs, the Disabled and Other Vulnerable Persons*

In September 2019, a ministry dedicated to Social Affairs, Disabled People and Other Vulnerable People was created, with a disabled person appointed as its head.¹¹

4. *General Secretariat of the Ministry for the Disabled*

On November 21, 2022, a ministerial decree created the General Secretariat of the Ministry for the Disabled. This institution aims to ensure effective coordination of policies and programs for people with disabilities.¹²

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

We were unable to find any information about a publicly funded NLS-style library in the DRC.

2. *Public Legal Information*

Article 10 of the 2022 Law states that people with disabilities have the right to access public information.¹³ Article 18 of the 2022 Law stipulates that people with disabilities are entitled to specific voting measures and procedures. The state must make available electoral equipment and materials that are adapted, accessible, and easy to understand and use, to guarantee the full exercise of the right to vote to people with disabilities.¹⁴

⁹ Décret n° 24/26 du 25 mars 2024 fixant les modalités pratiques d'accessibilité des personnes avec handicap aux infrastructures, aides et autres services sociaux de base en République Démocratique du Congo, J. O. June 1, 2024, <https://perma.cc/W8PT-5W2T>.

¹⁰ Id. art. 1.

¹¹ UPR info, *Protection of the Rights of Persons with Disabilities in the Democratic Republic of the Congo*, (May 2024), <https://perma.cc/4Z8S-FT4D>; see also *Intervention de S.E. Mme Irène Esambo Diata, Ministre déléguée en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables de la République Démocratique du Congo A la 16ème Session de la Conférence des Etats Parties à la Convention relative aux Droits des Personnes Handicapées*, Ministère en charge des personnes vivant avec handicap et autres personnes vulnérables, June 13, 2023, <https://perma.cc/RK25-CQKG>.

¹² Ministère de la Fonction Publique, *Modernisation de l'administration et Innovation du Service Public*, J-P Lihau signe l'arrêté portant création du Secrétariat Général du Ministère des Personnes vivant avec handicap, Nov. 22, 2022, <https://perma.cc/9WXS-8GGF>.

¹³ Loi organique 0°22/003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap, J. O. June 1, 2022, art. 10, <https://perma.cc/CUD2-K9A8>.

¹⁴ Id. art. 18.

Article 6 of the 2024 decree mandates reasonable accommodations to ensure accessibility for people with disabilities in both urban and rural public spaces. This requirement applies to buildings, public transportation, and information and communication services, including electronic and emergency services.¹⁵

Article 7 of the 2024 decree makes it compulsory for people with disabilities to have access to basic social services, including education, health, employment, community-based rehabilitation, housing, transport, and justice.¹⁶

B. Right to Access to Justice

Article 12 of the 2022 Law stipulates that, unless restricted by law, all people with disabilities enjoy legal capacity.¹⁷ Article 7 of the 2024 decree states that accessibility for people with disabilities to basic social services, including the justice system, is mandatory.¹⁸

C. Right to Culture

Article 19 of the 2022 Law stipulates that people with disabilities have the right to a healthy sporting, cultural and recreational life, as well as to adapted sports and leisure activities.¹⁹

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

No proposed legislation on access to information for persons with disabilities was found.

¹⁵ Id. art. 6.

¹⁶ Id. art. 7.

¹⁷ Loi organique 0°22/003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap, J. O. June 1, 2022, art. 12, <https://perma.cc/CUD2-K9A8>.

¹⁸ Décret n° 24/26 du 25 mars 2024 fixant les modalités pratiques d'accessibilité des personnes avec handicap aux infrastructures, aides et autres services sociaux de base en République Démocratique du Congo, art. 7, <https://perma.cc/W8PT-5W2T>.

¹⁹ Loi organique 0°22/003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap, J. O. June 1, 2022, art. 19, <https://perma.cc/CUD2-K9A8>.

Denmark

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SUMMARY Persons with disabilities are protected in Denmark under international, constitutional, regional, and domestic law.

The rights of persons with disabilities are not explicitly mentioned in the Constitution, but are nevertheless protected as a result of Denmark's international obligations.

Denmark has ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol.

Denmark has signed the Marrakesh Treaty, and the European Union (EU) ratified it in 2018, making it automatically applicable to Denmark, as Denmark is a member of the EU.

The European Accessibility Act is binding on Denmark.

By law, persons with disabilities have the same right to access to public information and access to justice as persons without disabilities.

Nota (previously the Library for the Blind), a library service that is part of the Danish National Library and funded by the state, provides access to written text in alternative formats. Nota is part of the Accessible Books Consortium.

There are currently no legislative proposals related to the CRPD pending in parliament.

I. Introduction

Although persons with disabilities are not officially registered in Denmark, it is estimated that about 32,000 persons in Denmark have a sight disability, of whom 12,500 are blind.¹ A report by the Danish Handicap Organization found 30% of people aged 16 to 64 self-report that they experience a disability.²

The rights of persons with disabilities are regulated through Denmark's obligations under binding international law, voluntary commitments, and domestic legislation. Denmark is a member of the European Union (EU), but has opted out of certain cooperations and is, therefore, not bound by legislation in those areas.³

¹ *Tal og fakta om syn*, Institut for Blinde og Svagsynede, <https://perma.cc/KU58-WMQ9>.

² *Fakta om Handicap*, Danske Handicaporganisationer, <https://perma.cc/UQ82-VRHQ>.

³ *Danish Opt-Outs from EU Cooperation*, Folketinget, <https://perma.cc/4TS6-LP6X>.

II. Legal Framework

A. Constitutional Protections

The Danish Constitution does not explicitly mention persons with disabilities.⁴ The European Convention on Human Rights (ECHR) was incorporated in and has the same status as the Danish Constitution's article 10 on freedom of expression, which includes a right to receive information.⁵

B. International Obligations

1. Marrakesh Treaty

The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty) was negotiated to promote access to published works for persons who are blind, visually impaired, or otherwise print disabled by allowing published works to be copied and made available in accessible formats.⁶

Denmark signed the Marrakesh Treaty in 2013, and the EU ratified the treaty in 2018, thereby binding its member states as well.⁷ In 2021, Denmark indicated that it allows for the import of accessible format copies and that it has designated authorized entities for the creation of accessible format copies in response to a Marrakesh Treaty questionnaire.⁸ With respect to making copyrighted works accessible to persons with disabilities, see the discussion of the role of Nota in Section III.A.2, below.

2. UN Convention on the Rights of Persons with Disabilities

Denmark ratified the UN Convention on the Rights of Persons with Disabilities (CRPD)⁹ in 2009,¹⁰ and it ratified the Optional Protocol in 2014.¹¹ The convention has not been implemented into Danish law through its own legislation. In 2021, the Danish Parliament considered incorporating

⁴ Grundloven, <https://perma.cc/9PRJ-H4DJ>.

⁵ ECHR art. 10, <https://perma.cc/TP8L-HA6X>.

⁶ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3162 U.N.T.S. 3, <https://perma.cc/4TDH-N48Z>.

⁷ Council Decision (EU) 2018/254 of 15 February 2018 on the Conclusion on Behalf of the European Union of the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled, 2018 O. J. L48/1, <https://perma.cc/7H36-NX69>.

⁸ *Marrakesh Treaty Questionnaire – Denmark*, <https://perma.cc/9K25-Q9KL>.

⁹ UN Convention on the Rights of Persons with Disabilities (CRPD), Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/LAP7-NPCG>.

¹⁰ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2518 U.N.T.S. 283, <https://perma.cc/H8V4-CJKY>. The Optional Protocol does not apply to Greenland.

¹¹ CRPD-OP, arts. 6-7 - Inquiry procedure under the Convention on the Rights of Persons with Disabilities, <https://perma.cc/LAC2-9SGB>.

the law through a separate act, but the bill was voted down in parliament.¹² However, the convention, as it is ratified, can still be relied upon in Danish courts.¹³

The Danish national human rights organization, Institut for Menneskerettigheder (Danish Institute for Human Rights), operates a “Handicap Barometer,” ranking how Denmark meets its obligations under the CRPD.¹⁴ By law, the Danish Institute for Human Rights is designated to oversee Denmark’s implementation of the CRPD.¹⁵ In 2024, it published a report titled *Parallel Report to the UN Committee on the Rights of Persons with Disabilities*, addressing Denmark’s work with implementing the CRPD and guaranteeing the rights of persons with disabilities.¹⁶ Issues included a failure on Denmark’s part to adopt a comprehensive strategy for persons with disabilities.¹⁷

The Det Centrale Handicapråd is responsible for advising the Danish government on the implementation of the convention.¹⁸

Moreover, Denmark is a member of the EU, which has adopted a strategy for how to implement the CRPD.¹⁹

3. *European Accessibility Act*

In 2019, the EU adopted the European Accessibility Act,²⁰ which provide that member states must ensure the accessibility of certain services and products for persons with disabilities, and

¹² B 238 Forslag til folketingsbeslutning om inkorporering af FN’s handicapkonvention i dansk ret., <https://perma.cc/FA9M-73PE>.

¹³ See *FN’s Konvention om rettigheder for personer med handicap*, Social og Boligministeriet, <https://perma.cc/44GE-NBUG>.

¹⁴ Institut for Menneskerettigheders, *Handicapbarometeret*, <https://perma.cc/XX2H-RFE3>.

¹⁵ Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution, <https://perma.cc/G5WH-HGJD>. See also Social og Boligministeriet, *supra* note 13.

¹⁶ Danish Inst. For Hum. Rts., *Parallel Report on the UN Committee on the Rights of Persons with Disabilities Denmark 2004* (2024), <https://perma.cc/AB84-VTF6>.

¹⁷ *Id.* at 7.

¹⁸ Bekendtgørelse af lov om retssikkerhed og administration på det sociale område (LBK nr 261 af 13/03/2024)(Retssikkerhedsloven), <https://perma.cc/FF5Q-CJXF>; 3§ Bekendtgørelse om råd på det sociale område (BEK nr 580 af 09/05/2022), <https://perma.cc/S9DP-8DSP>.

¹⁹ Magdi Birtha, Eur. Parl. Doc. No. PE 767.095, *The EU Strategy for the Rights of Persons with Disabilities 2021-2030* (Nov. 2024), <https://perma.cc/7GUY-M7QR>.

²⁰ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services (Text with EEA relevance), 2019 O.J. (L 159/70), <https://perma.cc/TKQ2-36NB>.

complements the European Web Accessibility Directive.²¹ It also ensures that EU member states (and EEA members) have a similar implementation of the CRPD.²²

The relevant products and services include

- computers and operating systems,
- ATMs, ticketing, and check-in machines,
- smartphones,
- TV equipment related to digital television services,
- telephone services and related equipment,
- access to audio-visual media services such as television broadcast and related consumer equipment,
- services related to air, bus, rail, and waterborne passenger transport,
- banking services,
- e-books, and
- e-commerce.²³

4. UN Millenium Goals – Sustainable Development Goals

Denmark signed on to the United Nations (UN) Millenium Goals in 2000. Denmark has since signed on to the 17 Sustainable Development Goals (SDGs), including Goal 10, which specifically refers to persons with disabilities.²⁴ Denmark has reported on its initial implementation of the 2030 Agenda, but has not addressed the right for persons with disabilities to access information, justice, or culture specifically.²⁵ Denmark has created a disability fund. “The purpose of the Danish Disability Fund is to support Danish disability organisations’ cooperation with partners in the Global South in order to strengthen how the disability movement is organised, thus contributing to lasting positive changes in living conditions, participation and inclusion of persons with disabilities.”²⁶

²¹ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies (Text with EEA relevance) (Web Accessibility Directive) 2016 O.J. (L 327/1), <https://perma.cc/E9MP-5CH5>.

²² *EUs tilgjengelighetsdirektiv (EAA)*, Uutilsyet, <https://perma.cc/CSM4-PMQ7>.

²³ *European Accessibility Act*, Inclusion Eur., <https://perma.cc/MX67-JNGQ>.

²⁴ *The UN Sustainable Development Goals*, For. Aff. Ministry, <https://perma.cc/EN2T-QMQQ>.

²⁵ Danish Gov’t, Fin. Ministry, *Report for the Voluntary National Review: Denmark’s Implementation of the 2030 Agenda for Sustainable Development* (June 2017), <https://perma.cc/5BQ7-TU6C>; Danish Gov’t, Fin. Ministry, *Voluntary National Review* (June 2021), <https://perma.cc/7XFE-EFMJ>.

²⁶ DPOP, *The Danish Disability Fund – Guidelines and Good Advice* (May 2019), <https://perma.cc/86HG-XRTJ>.

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

In addition to the constitutional and human rights protections discussed above, the Danish Act on Prohibition on Discrimination Because of Disability prescribes that persons with disabilities may not be discriminated against on the basis of their disability.²⁷ Specifically, section five of the act provides that

No one may subject another person to direct or indirect discrimination on the grounds of his or her disability.

Subsection 2. Direct discrimination occurs when a person is treated less favorably on the grounds of his or her disability than another person is, has been or would be treated in a comparable situation.

Subsection 3. Indirect discrimination occurs when what appears as a neutral provision, condition or practice would place persons with disabilities at a disadvantage compared to other persons.

Subsection 4. Harassment shall be regarded as discrimination when unwanted conduct in relation to a person's disability takes place with the purpose or effect of violating their dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned.

Subsection 5. An instruction to discriminate against a person on the grounds of his or her disability shall be regarded as discrimination.²⁸

Section 9a of the same act provides that minors with disabilities have a right to reasonable accommodations as they relate to their daily education.²⁹ Moreover, the law establishes an Equal Treatment Board that may consider complaints of instances of illegal discrimination as a result of disability in cases outside the labor market.³⁰

In addition, the Rettsikkerhedslov provides that municipalities must create Disability Councils that ensure the rights of persons with disabilities in the respective municipality.³¹

²⁷ Bekendtgørelse af Lov om Forbud mod Forskelsbehandling på grund af Handicap (LBK nr 1071 af 10/08/2023), <https://perma.cc/S88C-TJUG>.

²⁸ Id. § 5. (Translation by author.)

²⁹ Id. § 9a.

³⁰ Id. § 12. For more on the Equal Treatment Boards, see Ligebehandlingsnævnet, <https://perma.cc/V56P-93MP>.

³¹ § 37 Retssikkerhedsloven.

III. Rights of Persons with Disabilities

A. Right to Information

The right to information is not explicitly protected in the Danish Constitution.³² However, the right to information is protected by article 10 of the ECHR.³³ Moreover, the right to information for persons with disabilities is also enshrined in article 21 of the CRPD.³⁴

1. Access to Public Information Online

Denmark has implemented the European Directive on Accessibility of Websites and Mobile Applications Provided by Public Sector Bodies, also known as the Web Accessibility Directive (WAD).³⁵ Denmark implemented WAD into the Web Accessibility Act.³⁶ Section 3 provides that

3. Public bodies shall ensure that their websites and mobile applications are more accessible by making them perceptible, usable, understandable and robust by meeting the standards or technical specifications laid down pursuant to subsection 4.

Subsection 2. If the public body assesses that compliance with the accessibility requirements in subsection 1 would impose a disproportionate burden, the public body may choose not to comply with the requirements. In making that assessment, the public body shall take into account

1) the size, resources and nature of the public body and

2) the estimated costs and benefits for the public body in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website or mobile application.

Subsection 3. If the public body fails to comply with the accessibility requirements in subsection 1, the body shall, in the accessibility statement, cf. section 4, explain the parts of the requirements that could not be complied with and, if possible, indicate an accessible alternative.

Subsection 4. The Minister for Public Innovation shall determine which standards or technical specifications must be met in order for a website or mobile application to be presumed to comply with the accessibility requirements in subsection 1.³⁷

³² Grundloven, supra note 4.

³³ ECHR art. 10, supra note 5.

³⁴ CRPD art. 21, supra note 9.

³⁵ Directive 2016/2102, of the European Parliament and of the Council of 26 October 2016 on the Accessibility of Websites and Mobile Applications Provided by Public Sector Bodies, 2016 O.J. (L 327/1), <https://perma.cc/5XX8-2RUT>.

³⁶ Webtilgængelighedsloven (LOV nr 692 af 08/06/2018), <https://perma.cc/M2WD-PT64>.

³⁷ Id. § 3.

Moreover, every public entity must provide an accessibility declaration on their webpage.³⁸

The Agency for Digital Government is responsible for enforcing compliance with the act.³⁹ According to the Agency for Digital Government “[it] conducts three types of monitoring: simplified monitoring of websites and in-depth monitoring of websites and mobile applications (apps). The practical part of the monitoring is outsourced to an external supplier.”⁴⁰ Denmark has also adopted the Web Content Accessibility Guidelines.⁴¹

2. Publicly Funded NLS-Style Library

As of January 2024, the Danish Library and Expertise Center for people with print disabilities (Nota), previously the Danish Library for the Blind, is part of the publicly funded Danish Royal Library (Danish National Library) and serves all people with print disabilities.⁴² Specifically, it is stated on the Nota website that: “To become a member of Nota you must be able to document that you cannot read ordinary printed text. Members of Nota are visually impaired, dyslexic or otherwise impaired.”⁴³ Nota provides individual service, which includes having personal and official documents transcribed into Braille.⁴⁴ The service also includes providing accessibility copies of study materials and course literature.⁴⁵ Nota provides services based on its mandate in the Copyright Act to make accessibility copies in print, e-print, Braille and video formats available to persons with print disabilities.⁴⁶ By law it is the responsibility of the library to create or source accessibility copies for persons with print disabilities.⁴⁷ Kammaradvokaten (Counsel to the Government) has issued a guide on how to ensure accessibility to copyrighted works for persons with disabilities while ensuring that the service is not abused.⁴⁸ Nota is part of the Accessible Book Consortium.

³⁸ Id. § 4. For an example, see Folketinget, *Tilgængelighedserklæring*, <https://perma.cc/2UDA-J8NU>.

³⁹ Agency for Digital Gov't, *Web Accessibility in Denmark*, <https://perma.cc/PNW2-ZYLV>.

⁴⁰ Agency for Digital Gov't, *Monitoring and Supervision*, <https://perma.cc/7A87-Y6PA>.

⁴¹ W3C, *Denmark (Danmark)*, <https://perma.cc/CA5D-9ZCM>; *Web Content Accessibility Guidelines (WCAG) 2.1*, <https://perma.cc/D3BV-LRA9>.

⁴² *Om Nota*, Nota, <https://perma.cc/84TB-BZZR>. *Vi Byder Nota Velkommen*, Denmark Nat'l Libr., <https://perma.cc/54YF-AJTZ>.

⁴³ *About Nota*, Nota, <https://perma.cc/PW97-MF3Q>.

⁴⁴ *Individuel Service*, Nota, <https://perma.cc/4VF3-L46Y>; *Notas Individuelle Service for Døvblinde*, DøvBlindeDanmark, <https://perma.cc/Q2G9-VXNB>.

⁴⁵ Id.

⁴⁶ §§ 17-17e§ Ophavsretsloven (LBK 2023/1093), <https://perma.cc/KAZ2-W9ER>. *Nota og Ophavsret*, Nota, <https://perma.cc/GD7X-4TPL>.

⁴⁷ § 15 Biblioteksloven, <https://perma.cc/YQ3W-6M9U>.

⁴⁸ Kammaradvokaten, Ophavsretslovens § 17 a - § 17 e; *Tilgængelige Formater og Sikring mod Misbrug*, <https://perma.cc/6ZLS-MAT2>. For additional information on the role of the Kammeradvokat, see *Kammeradvokat*, Danmarks Ntionalleksikon, <https://perma.cc/92GZ-AABS>.

3. Public Legal Information

The right to access to public information including parliamentary proceedings, parliamentary documents, and government documents is regulated in the Public Access Act.⁴⁹ It does not contain specific provisions for persons with disabilities.

B. Right to Access to Justice

Under Danish law, the right to access to justice is protected in article 6 of the ECHR, the Danish Constitution, and article 13 of the CRPD.⁵⁰ These require that persons with disabilities have the same access to justice as persons without disabilities.

Rights to accommodations for persons with hearing disabilities during trial proceedings are regulated under the Administration of Justice Act and include the right to special assistance by a consultant with expertise in the person's disability for persons who are deaf or hearing impaired.⁵¹

The Danish Institute for Human Rights' parallel report to the UN on the implementation of the CRPD reports that persons with disabilities do not enjoy sufficient support from the justice system during the adjudication of criminal cases where they are victims of violence.⁵² The Danish Institute for Human Rights therefore recommended "that Denmark: Ensure that the access to guidance and appointment of legal advocates and adjustments to criminal procedure, such as reporting requirements, are to a greater extent based on the victim's vulnerability and need for support rather than solely or primarily based on the nature of the reported crime."⁵³

C. Right to Culture

Article 30 of the CRPD provides that persons with disabilities have the right to access culture.⁵⁴ The Danish Museum Act requires that museums make their collections and venues accessible to persons with disabilities.⁵⁵ The Ministry for Culture has an action plan for disabled people's access to culture.⁵⁶ As mentioned above, it is the responsibility of Nota to provide accessibility copies to persons with print disabilities, including for study materials. The Danish Copyright Act allows work protected by copyright to be transformed so that it is accessible by persons with

⁴⁹Offentlighedsloven (LBK nr 145 af 24/02/2020), <https://perma.cc/FRG9-JZX7>.

⁵⁰ ECHR art 6, § Grunnloven; CRPD art. 13.

⁵¹ § 149(5) Bekendtgørelse af lov om rettens pleje (LBK nr 1160 af 05/11/2024)(Retsplejeloven), <https://perma.cc/9P9X-XVFZ>; See also Danish Inst. for Hum. Rts., *Access to Justice for Persons with Disabilities Denmark 3* (Apr. 28, 2017), <https://perma.cc/QKC2-N8EV>.

⁵² Danish Inst. For Hum. Rts., *Parallel Report on the UN Committee on the Rights of Persons with Disabilities Denmark 2004*, supra note 16, at 12.

⁵³ Id. at 13.

⁵⁴ CRPD art. 30.

⁵⁵ § 14 stk 1 p12 Museumsloven (LBK nr 358 af 08/04/2014), <https://perma.cc/7BGM-X3V5>.

⁵⁶ Kulturministeriet, *Handlingsplan for Handicappedes Adgang til Kulturen*, <https://perma.cc/96LB-EMYX>.

disabilities.⁵⁷ The Act on Public Service, which regulates public television and radio, empowers the minister of Culture to issue regulations that improve the accessibility and content for persons with disabilities.⁵⁸ Persons with disabilities also have a right to companions to accompany them to cultural activities.⁵⁹

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The Danish Parliament has several bills pending that would affect persons with disabilities, but none appear to specifically address access to information or the incorporation of CRPD.⁶⁰

⁵⁷ §§ 17 -17e Ophavsretsloven.

⁵⁸ § 48 Bekendtgørelse af Lov om Radio- og Fjernsynsvirksomhed m.v. (LBK nr 1350 af 04/09/2020), <https://perma.cc/XLY2-YRZW>.

⁵⁹ See *Ledsageordning*, Borger.dk, <https://perma.cc/6PLN-KWY5>.

⁶⁰ See *Søg i Lovforslag*, Folketinget, <https://www.ft.dk/da/search?msf=&q=handicap&as=1&SortBy=SortDate&SortOrder=desc&sf=lf>.

Egypt

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SUMMARY Egypt's 2014 Constitution, as amended, stipulates that the Egyptian authorities must guarantee the health, economic, social, cultural, entertainment, sporting, and educational rights of persons with disabilities.

Law No. 10 of 2018 obligates all government bodies to make their information available to persons with disabilities. Additionally, this law facilitates access to the justice system and cultural resources by persons with disabilities.

In July 2018, Egypt established the National Academy of Technology for People with Disabilities, one of the primary objectives of which is to equip persons with disabilities with the necessary skills and knowledge to facilitate their integration into the Egyptian workforce.

I. Introduction

The 2014 Egyptian Constitution, as amended, emphasizes the principle of protecting persons with disabilities from all forms of discrimination.¹ Furthermore, Law No. 10 of 2018 on the Rights of Persons with Disabilities regulates the right of persons with disabilities to access cultural resources and all types of legal and public information.²

The Egyptian government has established the National Academy of Technology for People with Disabilities (NAID) to grant them access to information about vocational education.

This report discusses the legal framework regulating the right of persons with disabilities to access legal and public information, the justice system, and cultural resources. Furthermore, this report addresses Egypt's international obligations regarding the rights of persons with disabilities.

II. Legal Framework

A. Constitutional Protections

Article 81 of Egypt's 2014 Constitution, as amended, stipulates that the Egyptian authorities must guarantee the health, economic, social, cultural, entertainment, sporting, and educational rights of persons with disabilities. Additionally, it declares that the Egyptian state ensures the political

¹ 2014 Egyptian Constitution, as amended (Const.), <https://perma.cc/88R6-MR4Y> (in Arabic).

² Law No. 10 of 2018, *al-Jarīdah al-Rasmīyah*, vol. 7 duplicate (C), 19 Feb. 2018, <https://perma.cc/XEP7-78S8> (in Arabic).

rights of persons with disabilities as well as their enjoyment of the principles of equality and justice.³

B. International Obligations

Egypt is not a party to the Marrakesh Treaty.⁴ However, it ratified the Convention on the Rights of Persons with Disabilities on April 14, 2008.⁵

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

In February 2018, Egyptian President Abdul Fatah Al-Sisi issued Law No. 10 of 2018 on the Rights of Persons with Disabilities.⁶ The purpose of this law is to codify rights granted to persons with disabilities by the Egyptian Constitution. The law also stresses that persons with disabilities can exercise their right to education and join the work force.⁷

III. Rights of Disabled Persons

A. Right to Information

1. Publicly Funded NLS-Style Library

In July 2018, the National Academy of Technology for People with Disabilities (NAID) was established based on instructions of President Al-Sisi.⁸ One of the main goals of NAID is to provide persons with disabilities adequate skills and knowledge to enable them to be integrated into the Egyptian work force.⁹

NAID is a government body that is affiliated with the Ministry of Communication and Technology.¹⁰ According to the official website of the Egyptian Ministry of Communication and Technology, NAID has created the “Improvement of Inclusion of Persons with Disabilities through Improvement of Information Accessibility” Project. This project is implemented in collaboration with the Japan International Cooperation Agency (JICA), the Egyptian Ministry of

³ Const. art. 81.

⁴ WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154, <https://perma.cc/XD3B-926S>.

⁵ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

⁶ Law No. 10 of 2018.

⁷ Rehab Ismael, *Deep Look on People Challenged with Disabilities in Egypt*, Egypt Today (Feb. 24, 2018), <https://perma.cc/49Q7-RC8A>.

⁸ *About Us*, Nat'l Acad. Tech. for People with Disabilities (NAID), <https://perma.cc/QNN5-PT59>.

⁹ *Goals*, NAID, <https://perma.cc/25AG-JAC6>.

¹⁰ *Digital Inclusion*, Ministry Comm. & Tech., <https://perma.cc/A27L-UK6G>.

Communication, and the Bibliotheca Alexandrina (Library of Alexandria), a publicly funded library.¹¹

This project aims to empower persons with disabilities by implementing the "Digital Accessible Information System." This system is designed to improve access to information for individuals with disabilities by providing them with print, visual, and reading materials. Additionally, it seeks to enhance their vocational skills by offering specialized classes and providing access to essential resources and information.¹²

2. *Public and Legal Information*

Law No. 10 of 2018 on the Rights of Persons with Disabilities mandates that all government bodies make their information available to persons with disabilities, including visually impaired individuals.¹³ The law also requires the Ministry of Justice to provide all appropriate assistance to persons with disabilities.¹⁴ However, the law does not specifically require that such information must be made available in Braille for visually impaired persons.

B. Right to Access to Justice

Law No. 10 of 2018 mandates that persons with disabilities be provided with defense counsel if they are unable to afford an attorney to represent them during the investigation and trial stages. The law also references the Code of Criminal Procedure, which requires the public prosecution to provide sign language interpreters for hearing-impaired individuals during interrogation sessions. Additionally, criminal courts are obligated under the Code of Criminal Procedure to offer sign language interpretation for hearing-impaired individuals during trial proceedings.¹⁵

C. Right to Culture

Law No. 10 of 2018 requires the Ministry of Culture to organize cultural tours for persons with disabilities, including visits to arts museums and ancient Egyptian history museums. The law also mandates that the Ministry of Culture, in collaboration with the Ministry of Tourism, provide persons with disabilities the opportunity to attend cultural and tourism events, including sound and light theater performances.¹⁶

¹¹ *Improvement of PwDs Inclusion Through Improvement of Information Accessibility*, Ministry Comm. & Tech., <https://perma.cc/K2AP-J9Y7>.

¹² *Id.*

¹³ Law No. 10 of 2018 art. 34.

¹⁴ *Id.* art. 32.

¹⁵ *Id.* arts. 35, 36.

¹⁶ *Id.* arts. 41, 43.

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

We were unable to locate any new proposals of legislation on access to information for persons with disabilities.

El Salvador

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SUMMARY The Salvadoran Constitution enshrines principles of equality and non-discrimination, guaranteeing access to essential services and opportunities for individuals with disabilities. El Salvador has ratified key international treaties such as the Marrakesh Treaty, the Convention on the Rights of Persons with Disabilities (CRPD), and the Protocol of San Salvador. The Special Law on the Inclusion of Persons with Disabilities (LEIPD) is the primary domestic law governing the rights of persons with disabilities. It addresses various aspects, including non-discrimination, access to justice, education, employment, and reasonable accommodations. However, the law has yet to be implemented.

I. Introduction

The constitution of El Salvador, domestic legislation, and international treaty obligations provide a robust legal framework for ensuring the inclusion and well-being of individuals with disabilities. This report highlights and examines the specific rights guaranteed to persons with disabilities in El Salvador, such as the right to information, access to justice, culture, education, and mobility. This report aims to shed light on the progress made and the areas where further action is needed.

II. Legal Framework

A. Constitutional Protections

El Salvador's constitution enshrines several provisions aimed at safeguarding the dignity, rights, and social integration of people with disabilities. It establishes the principle of equality, guaranteeing every individual the right to equal treatment without discrimination.¹ This includes access to essential freedoms and opportunities such as health care, cultural resources, economic well-being, and social justice.²

The constitution mandates that the government promote employment and protect labor rights for all citizens including those with physical, mental, or social limitations.³ This mandate laid the foundation for the enactment of the Law on Equal Opportunities for People with Disabilities in

¹ Constitution [Const.], Dec. 15, 1983, art. 3, <https://perma.cc/MR27-ETEJ>.

² Id. art. 2.

³ Id. art. 37.

2000, which sought to enhance equitable access to employment.⁴ However, this law was repealed and replaced by Legislative Decree No. 672 of 2020, which focuses on the inclusion of people with disabilities in all aspects of society.

Education is another critical area addressed by the constitution, which affirms the right of every child to access kindergarten and primary education.⁵ The government is tasked with establishing special education centers to support children with disabilities, ensuring their inclusion in the educational system.⁶ Moreover, the constitution addresses the government's responsibility to provide for individuals with disabilities that are homeless or unable to work due to physical or mental limitations.⁷

B. International Obligations

El Salvador has demonstrated its commitment to protecting and promoting the rights of persons with disabilities by ratifying several international treaties and conventions. These legal instruments have shaped national policies and legislation to ensure alignment with global standards aimed at promoting the inclusion and well-being of individuals with disabilities.

1. Marrakesh Treaty

On July 22, 2014, El Salvador ratified the Marrakesh Treaty through Decree No. 736, approved by the executive branch by Agreement No. 743 of May 22, 2014.⁸ The treaty aims to improve and facilitate access to published works for visually impaired and print-disabled persons, ensuring their right to information and cultural participation.

2. Convention on the Rights of Persons with Disabilities (CRPD)

El Salvador ratified the CRPD on October 4, 2007 and enacted the Executive Agreement No. 791 of 2007 to implement it.⁹ Initially, this ratification included a reservation ensuring that the convention's provisions did not conflict with El Salvador's constitution. The reservation stated, "to the extent that the provisions thereof do not prejudice or contravene the provisions of any of the precepts, principles and norms of the Constitution of the Republic of El Salvador."¹⁰ However, in 2015, Legislative Decree No. 420 was reformed to withdraw the reservation, affirming the

⁴ José Nicolás Argueta Portillo & Santos Dionicio Pérez Martínez, *Respeto y Garantía de los Derechos Humanos de las Personas con Discapacidad en El Salvador* (Nov. 2004) (Law thesis, Universidad de El Salvador), <https://perma.cc/2DWR-22RH>.

⁵ Const. art. 56.

⁶ Id.

⁷ Id. art. 70.

⁸ Decreto No. 736, July 10, 2014, art. 1, <https://perma.cc/JXP2-L7AR>.

⁹ Decreto No. 920, Feb. 4, 2015, Considerando II, <https://perma.cc/Y433-SBW2>.

¹⁰ Id.

convention's full applicability while maintaining adherence to the principle of constitutional supremacy.¹¹

3. *International Labour Organization (ILO) Convention 159*

El Salvador adopted the ILO Convention No. 159 on December 19, 1986,¹² committing to the principles of vocational rehabilitation and employment opportunities for disabled persons.¹³

4. *Protocol of San Salvador*

March 30, 1995, El Salvador ratified The Protocol of San Salvador, which complements the American Convention on Human Rights. Specifically, article 18 of the protocol safeguards the rights of persons with disabilities, emphasizing protections in health, education, and employment.¹⁴

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

1. *Special Law on the Inclusion of Persons with Disabilities*

The Special Law on the Inclusion of Persons with Disabilities (LEIPD), enacted through Legislative Decree No. 672 on June 22, 2020, and published in the Official Gazette on September 3, 2020,¹⁵ repealed the 2000 Law of Equal Opportunities for Persons with Disabilities.¹⁶ This special law seeks to guarantee the recognition, protection, and full exercise of rights for persons with disabilities, ensuring equality of opportunity and non-discrimination.¹⁷ The government is mandated to eliminate barriers and provide reasonable accommodations to ensure the full participation of persons with disabilities in society.¹⁸

The LEIPD explicitly prohibits discrimination, including the denial of reasonable accommodations, and recognizes a variety of rights for persons with disabilities.¹⁹ These include non-discrimination, access to information and communication, legal capacity, employment, education, healthcare, and protection in risk situations.²⁰ Persons with disabilities are defined as

¹¹ Id. Considerando IV & art. 1.

¹² *Ratificaciones de El Salvador*, International Labour Organization (ILO), <https://perma.cc/7KNC-AED4>.

¹³ C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), ILO, <https://perma.cc/FXP4-TYH5>.

¹⁴ Convención Americana Sobre Derechos Humanos Suscrita en la Conferencia Especializada Interamericana Sobre Derechos Humanos (B-32), ACNUR, <https://perma.cc/PFZ2-85JZ>.

¹⁵ Decreto No. 672, June 22, 2020, <https://perma.cc/A8LU-6GBG>.

¹⁶ Decreto No. 888, Apr. 26, 2000, <https://perma.cc/B9PW-AU2P>.

¹⁷ Decreto No. 672 art. 1.

¹⁸ Id.

¹⁹ Id. art. 2.

²⁰ Id. art. 7.

individuals with “physical, psychological, intellectual, or sensory impairments that, when interacting with societal barriers, hinder their full participation on an equal basis with others.”²¹ The law affirms the equal legal capacity of persons with disabilities and mandates the Salvadorean government to create mechanisms to support their decision-making processes, autonomy, and rights.²² Furthermore, this legislation obliges the Ministry of Finance to allocate resources to ensure that people with disabilities exercise all their rights and enjoy equal opportunities.²³ Disability certification must be verified by the Salvadoran Social Security Institute (ISRI) or through the National Register of Persons with Disabilities, or with a Unique Disability Card.²⁴

The LEIPD creates the National Council for the Inclusion of Persons with Disabilities (CONAIPD), an autonomous body responsible for developing and monitoring policies for inclusion.²⁵ This institution has technical, financial and administrative autonomy.²⁶ CONAIPD must monitor, evaluate, and coordinate with other government entities to ensure compliance with the national policy.²⁷ CONAIPD must also create a National Registry of Persons with Disabilities to inform policy development.²⁸

The decree provides that persons with disabilities have the right to establish a family.²⁹ In addition, public and private institutions must guarantee persons with disabilities their property rights and financial freedom.³⁰ Persons with disabilities must be able to exercise their right to vote, in addition to having an equal opportunity to run for public offices and to be elected.³¹ Furthermore, health and life insurance contracts may not have exclusion clauses based on disabilities as pre-existing conditions.³²

The LEIPD also introduces extensive measures to promote labor inclusion. The government must guarantee the right of individuals with disabilities to access employment opportunities and participate in inclusive workplaces, free from discrimination. This includes provision of access to the necessary and reasonable accommodations to thrive in their roles.³³ The work performed by a person with a disability must be compatible with their capacities, potential, and skills, in order

²¹ Id. art. 3(c).

²² Id. art. 29.

²³ Id. art. 10.

²⁴ Id. art. 133.

²⁵ Id. arts. 11 & 17.

²⁶ Id. art. 11.

²⁷ Id. arts. 11 & 17.

²⁸ Id. art. 90.

²⁹ Id. art. 30.

³⁰ Id. art. 31.

³¹ Id. art. 32.

³² Id. art. 54.

³³ Id. art. 62.

to ensure their maximum personal and professional development.³⁴ Employers must provide reasonable accommodations in the working environment to promote the inclusion of people with disabilities, including providing them with technical and technological resources. These reasonable adjustments must be made in a timely manner to facilitate the fulfilment of work responsibilities.³⁵

Public and private employers are required to hire at least one person with a disability for every 20 employees. Companies with fewer than 20 employees are exempt from this obligation.³⁶ When private companies or public institutions do not have applicants, the Ministry of Labor and Social Security, in conjunction with CONAIPD, sends candidates who meet the job profile.³⁷ However, if the ministry and the CONAIPD have no applicants, a certificate will be issued by the Ministry of Labor and Social Security, stating that, at the time of the application, there were no applicants in the respective registry who met the required profile.³⁸

If employers are unable to meet hiring quotas due to business and economic constraints or are unable to find qualified candidates, they must provide financial contributions, which are used to fund educational and vocational programs for persons with disabilities. Employers who are exempted from hiring people with disabilities must also comply with these contribution requirements.³⁹ Incentives for compliance with the quota include income tax deductions and exemptions.⁴⁰

The LEIPD provides that the dismissal of a person with a disability is deemed ineffective if done without proper justification, granting employees the right to claim unpaid wages and request provisional reinstatement if their health or well-being may be at risk due to the loss of social security coverage.⁴¹

The LEIPD establishes a court responsible for ensuring compliance with its provisions and imposing penalties for any violations.⁴² The sanctioning court was originally scheduled to begin operations in 2022.⁴³ However, on June 28, 2022, the Legislative Assembly postponed its operationalization.⁴⁴ Currently, the provisions for the sanctioning court have been extended until

³⁴ Id. art. 66.

³⁵ Id.

³⁶ Id. art. 63.

³⁷ Id.

³⁸ Id.

³⁹ Id. art. 64.

⁴⁰ Id. arts. 99 & 101.

⁴¹ Id. art. 68.

⁴² Id. arts. 103 & 107.

⁴³ Id. art. 137.

⁴⁴ Decreto No. 437, June 28, 2022, art. 1, <https://perma.cc/PC8J-6T9H>.

January 1, 2025.⁴⁵ The LEIPD mandated that the Salvadorean president issue regulations within 180 days of its publication to facilitate and ensure its implementation.⁴⁶ Currently, there are no regulations for this law and the LEIPD remains inactive.⁴⁷

2. *Family Code*

Several provisions of the Family Code address the needs of persons with disabilities within family and custodial contexts.⁴⁸ This code guarantees alimony for spouses and children with disabilities when their condition prevents self-sufficiency, provided these needs are legally certified.⁴⁹ The spouse to receive this alimony must not be the guilty party in a divorce.⁵⁰ The alimony will be set according to the economic possibilities of one spouse and the needs of the other.⁵¹

According to this code, parents of a child who has a physical or mental deficiency must provide him or her with specialized education for people with disabilities.⁵² The parents must ensure the child's well-being, even after reaching the age of majority, if the disability prevents the child from taking care of himself or herself.⁵³ This code establishes that individuals with disabilities, such as those with hearing or vision impairment, are barred from serving as witnesses in marriage ceremonies.⁵⁴

Additionally, the Family Code provides rules on the guardianship of adults considered to have an incapacity.⁵⁵ Incapacity must be declared in a court ruling.⁵⁶ For an individual to be considered incapacitated, he or she must have a chronic and incurable mental illness or be deaf.⁵⁷ Exceptionally, when the person who has a hearing impairment can understand and be understood by others, they are not considered incapacitated.⁵⁸ Furthermore, people that are deaf

⁴⁵ Decreto No. 976, Mar. 19, 2024, art. 1, <https://perma.cc/D8U2-9FWH>.

⁴⁶ Decreto No. 672 art. 135.

⁴⁷ *Reforma a la Ley para Personas con Discapacidad Lleva Más de Un Año Estancada en la Asamblea*, La Prensa Gráfica (Sept. 5, 2024), <https://perma.cc/4M7N-VUUU>.

⁴⁸ Decreto No. 677 [Family Code], Nov. 22, 1993, <https://perma.cc/KGH2-YPX3>.

⁴⁹ Id. arts. 107 & 211.

⁵⁰ Id. art. 107.

⁵¹ Id.

⁵² Id. art. 214.

⁵³ Id.

⁵⁴ Id. art. 26.

⁵⁵ Id. arts. 290-293.

⁵⁶ Id. art. 292.

⁵⁷ Id. art. 293.

⁵⁸ Id.

or blind cannot be considered guardians.⁵⁹ When any of the parents of a child has a mental illness, parental authority is suspended.⁶⁰

3. Electoral Code

The Electoral Code restricts the rights of individuals considered *enajenados mentales* (mentally disabled). These individuals are disqualified from voting or holding municipal office.⁶¹

4. Labor Code

The Labor Code prohibits employment discrimination and promotes equal opportunities in vocational training and employment.⁶² This legislation considers the following to be permanent disabilities:

- anatomical or functional loss of both upper limbs, both lower limbs, or one upper and one lower limb, in their entirety or in their essential parts, with the hand and foot being considered essential parts;
- the loss of both eyes or total visual acuity;
- the loss of one eye and a reduction of 50 percent of the visual acuity; and
- organic or functional lesions of the brain and chronic mental illnesses.⁶³

Individuals with permanent disabilities are entitled to compensation or pensions, ensuring financial security for affected workers.⁶⁴ Furthermore, employment contracts are protected from arbitrary suspension, safeguarding the rights of employees with disabilities. It can only be suspended when the employer has a disability or illness that inevitably requires the suspension of work at the company, thus requiring the suspension of the employees labor contracts. The employment contract is suspended only due to the death of the employer or his legal, physical, or mental incapacity, provided that it has as a direct consequence the suspension of work.⁶⁵

5. General Education Law

The General Education Law mandates the provision of special education tailored to the needs of students with disabilities.⁶⁶ Special education is defined as a teaching-learning process that is offered, through specific methodologies, to people with special educational needs.⁶⁷ Educational services are offered through specialized institutions or inclusive settings, depending on the

⁵⁹ Id. art. 301.9.

⁶⁰ Id. art. 241.3.

⁶¹ Código Electoral, arts. 7 & 167(d), <https://perma.cc/5RSZ-YK96>.

⁶² Código de Trabajo de la República de El Salvador, OIT (2010), art. 12, <https://perma.cc/4AUZ-HGWU>.

⁶³ Id. art. 331.

⁶⁴ Id. art. 341.

⁶⁵ Id. art. 36.

⁶⁶ Ley General de Educación, Decreto No. 917, arts. 34-36, <https://perma.cc/8QV7-E38U>.

⁶⁷ Id. art. 34.

child's requirements.⁶⁸ According to the needs of the student, a specialist or trained teacher may be required.⁶⁹ The provisions on special education seek to improve the quality of life for individuals with disabilities, promote access to education, and involve families and communities in supporting persons with disabilities.⁷⁰ The Ministry of Education oversees the implementation of these provisions to ensure effective service delivery.⁷¹

6. *Law for the Protection of Disabled Veterans*

This law provides economic and social benefits to veterans with disabilities from El Salvador's armed conflicts, focusing on their rehabilitation, vocational training, and social reintegration.⁷² This law establishes a dedicated fund to finance programs for physical, psychological, and vocational rehabilitation, as well as social reintegration initiatives for people who acquired a disability as a result of armed conflict.⁷³ The fund is a public institution, with legal personality and has administrative-functional autonomy. This fund is set to exist for the following 50 years after the enactment of this law.⁷⁴

The regulations for this law provide rules on the process of rehabilitation for people with disabilities caused by armed conflict.⁷⁵ According to the regulations, "rehabilitation" is "the process through which people, who have physical, sensorial or mental disabilities that limit them to work, participate in with the objective of (re)integrating into the socio-productive life of the country."⁷⁶ In addition, the law specifies that this process includes functional rehabilitation such as physical therapy, medical-surgical care, technological assistance, and mental healthcare.⁷⁷ It also includes labor and productive reintegration, as well as social reintegration which seeks to provide people with disabilities the means to interact with others in different spheres of their daily life.⁷⁸ These programs are financed by the fund established by Decree No. 416 of 1992.⁷⁹

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ Id. art. 35.

⁷¹ Id. art. 36.

⁷² Decreto No. 416, Dec. 13, 1992, art. 1, <https://perma.cc/UP83-5LLV>.

⁷³ Id. art. 2.

⁷⁴ Id.

⁷⁵ Decreto Ejecutivo No. 64, May 28, 1999, <https://perma.cc/5G5N-UQQH>.

⁷⁶ Id. art. 91.

⁷⁷ Id. art. 92.

⁷⁸ Id. arts. 93 & 94.

⁷⁹ Id. art. 95; Decreto No. 416 art. 45.

7. *Salvadorean Legislation with Provisions on People with Disabilities*

El Salvador does not allow individuals to be part of the judiciary if they are blind, deaf, mute, or are not in full use of their mental capacities.⁸⁰ Similarly, individuals with these characteristics cannot exercise the profession of notary.⁸¹ Decree No. 218 of 1962 provides that witnesses who are required for notarial acts such as registering wills and donations must not be mentally ill, have visual or hearing impairments, or not be able to speak.⁸² The General Law on Youth describes that youth is defined as a person between the ages of 15-19, without distinguishing disability or any other condition.⁸³ Furthermore, this legislation provides that its provisions cannot discriminate based on a disability.⁸⁴ Youth with disabilities must enjoy the right to effectively participate in all events pertaining to nation.⁸⁵

The Municipal Code and the Law on Urbanism and Construction have established that local and urban-rural development plans and programs must be in strict compliance with universal accessibility design for people with disabilities, as established in article 9 of the Convention on the Rights of Persons with Disabilities.⁸⁶

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

In 2023, El Salvador transformed their National Library (BINAES) with the cooperation of the Republic of China.⁸⁷ According to the Ministry of Culture, the entity in charge of managing the national library, the new construction seeks to be of universal use by all in society, including peoples with disabilities.⁸⁸ The BINAES includes an auditorium with six spaces exclusively for people with disabilities, dactylic resources and braille books for people with visual disabilities, language interpreters, audiobooks, a lounge area with four specific spaces for people with disabilities, and specialized rooms for assisting individuals with disabilities.⁸⁹ Currently, the

⁸⁰ Decreto No. 536, July 24, 1990, art. 28(b), (c), <https://perma.cc/25US-U27N>.

⁸¹ Decreto No. 218, Dec. 7, 1962, art. 6, <https://perma.cc/R7DX-WCW4>.

⁸² Id. art. 34.

⁸³ Decreto No. 910 [Ley General de Juventud], art. 2, <https://perma.cc/9PDB-E2D9>.

⁸⁴ Id. art. 4.

⁸⁵ Id. art. 9(d).

⁸⁶ Decreto No. 294, Mar. 3, 2016, <https://perma.cc/F5GB-4M3C>; Decreto No. 295, Mar. 3, 2016, <https://perma.cc/BEL7-GTUQ>.

⁸⁷ *ABINIA*, Biblioteca Nacional de El Salvador, <https://perma.cc/XF24-98CE>.

⁸⁸ *La Nueva Biblioteca Nacional de El Salvador y sus Servicios para la Población*, Ministerio de Cultura, <https://perma.cc/Z9H3-UYG8>.

⁸⁹ Id.

library does not have a website page. However, the Ministry of Culture has within its program to establish a virtual library.⁹⁰

2. *Public Legal Information*

The LEIPD mandates that all public and private institutions comply with existing accessibility regulations.⁹¹ This ensures that new construction, expansions, or renovations adhere to universal design principles.⁹² Public and private entities are obligated to adapt their facilities and services to guarantee accessibility.⁹³

Government authorities are required to ensure access to information and communications for persons with disabilities, safeguarding their freedom of expression and opinion, including the right to seek, receive, and impart information in their preferred forms of communication.⁹⁴

Institutions open to the public, whether public or private, must employ mechanisms or appropriate technology to facilitate access to their information and ensure effective communication for persons with disabilities.⁹⁵ Regarding health-related procedures, professionals must secure free and informed consent from persons with disabilities.⁹⁶ This includes providing detailed information on the methods employed, potential consequences, associated risks, alternative treatments, and the necessity of such procedures.⁹⁷

B. Right to Access to Justice

The LEIPD guarantees the right of persons with disabilities to access justice.⁹⁸ They are entitled to appropriate treatment in administrative and judicial proceedings and free legal assistance, advice, and representation through the Attorney General's Office.⁹⁹ Judicial and administrative bodies are required to make procedural adjustments for persons with disabilities involved as defendants, complainants, or accused parties, ensuring no discriminatory treatment.¹⁰⁰ Necessary accommodations during legal proceedings must include, but are not limited to, sign language

⁹⁰ *Programas*, Ministerio de Cultura, <https://perma.cc/H8SN-SBML>.

⁹¹ Decreto No. 672 art. 38.

⁹² *Id.*

⁹³ *Id.* art. 39.

⁹⁴ *Id.* art. 40.

⁹⁵ *Id.* art. 41.

⁹⁶ *Id.* art. 50.

⁹⁷ *Id.*

⁹⁸ Decreto No. 672 art. 33.

⁹⁹ *Id.*

¹⁰⁰ *Id.* art. 34.

interpretation, documents in Braille or other accessible formats, technical and human assistance, and any reasonable adjustments to uphold their rights.¹⁰¹

Additionally, public institutions like the Directorate of Public Entertainment, Radio, and Television, alongside the General Superintendence of Electricity and Telecommunications, must adopt a human-rights-based approach to disability-related information dissemination.¹⁰² Media entities are obligated to provide timely and accessible information for persons with disabilities, particularly on matters of news, electoral processes, national security, or emergency situations.¹⁰³ Under Decree No. 856 of 2017, authorities and public employees are required to facilitate the rights of persons with disabilities in administrative processes by providing special and preferential treatment, appropriate guidance, and the requested services.¹⁰⁴

C. Right to Culture

The government is obligated to ensure that cultural and recreational programs are inclusive of persons with disabilities.¹⁰⁵ Cultural materials, including television programs, films, theater productions, and other activities must be provided in accessible formats.¹⁰⁶ Access to venues hosting cultural, sports, or recreational events must also meet accessibility standards.¹⁰⁷ Persons with disabilities must be afforded the opportunity to organize, develop, and participate in cultural, recreational, and sporting activities.¹⁰⁸

The Salvadoran government must recognize and respect the cultural and linguistic identities of persons with disabilities.¹⁰⁹ The Ministry of Culture is tasked with creating spaces for persons with disabilities to engage in cultural and artistic activities.¹¹⁰ Furthermore, the ministry must ensure that artistic and literary works are available in accessible formats and that persons with disabilities are included in artistic and cultural training initiatives to foster their creative, artistic, and intellectual development.¹¹¹

Public and private institutions hosting cultural, leisure, or sports activities must progressively comply with accessibility regulations or make reasonable adjustments to promote the inclusion

¹⁰¹ Id.

¹⁰² Id. art. 42.

¹⁰³ Id.

¹⁰⁴ Decreto No. 856, Dec. 15, 2017, art. 16.5, <https://perma.cc/8DR8-JJS8>.

¹⁰⁵ Decreto No. 672 art. 83.

¹⁰⁶ Id. art. 83(a).

¹⁰⁷ Id. 83(b).

¹⁰⁸ Id. art. 83(c).

¹⁰⁹ Id. art. 84.

¹¹⁰ Id. art. 85.

¹¹¹ Id. arts. 85-86.

and participation of persons with disabilities.¹¹² Access to national monuments, tourist sites, archaeological locations, museums, theaters, and sports centers must be guaranteed, including the necessary accessibility features.¹¹³ Private institutions offering cultural or recreational services may provide discounted or free access to encourage inclusion.¹¹⁴

The National Sports Institute of El Salvador is responsible for ensuring that the national sports policy includes persons with disabilities in all disciplines, promoting their participation in recreational, competitive, and high-performance sports at local, national, and international levels.¹¹⁵

D. Right to Education and Instruction

Decree No. 672 of 2020 requires the Ministry of Education, Science, and Technology to guarantee inclusive education for persons with disabilities across both public and private sectors.¹¹⁶ The ministry must implement curriculum reviews and adaptations to enable full participation in educational activities, regardless of age or disability type.¹¹⁷ Persons with disabilities retain the right to select the educational institution that best suits their needs.¹¹⁸

Educational institutions must employ teachers trained to address the needs of persons with disabilities, and the ministry must provide relevant training programs for these professionals.¹¹⁹ Higher education curricula must incorporate content addressing disabilities from a human-rights perspective.¹²⁰ The government must ensure that schools and specialized institutions adjust their educational approaches, programs, and methodologies to uphold the rights of persons with disabilities.¹²¹ The CONAIPD, in collaboration with the Ministry of Education and organizations representing the deaf community, must ensure the accreditation and training of Salvadoran sign language interpreters.¹²²

The Law on General Education has provisions on special education. It provides that that special education is a “teaching-learning process that is offered, through specific and measured methodologies, for people with special educational needs that will be offered in specialized institutions and regular educational centers, according to the needs of the student, with specialist

¹¹² Id. art. 87.

¹¹³ Id.

¹¹⁴ Id.

¹¹⁵ Id. art. 88.

¹¹⁶ Decreto No. 672 art. 43.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Id. art. 44.

¹²⁰ Id. art. 45.

¹²¹ Id. art. 46.

¹²² Id. art. 448.

or trained teachers.”¹²³ Special education aims to improve the quality of life and expand opportunities for individuals with special needs.¹²⁴

E. Profession

The Salvadoran Institute of Professional Training and municipal governments must include persons with disabilities in their labor, technical, professional, and vocational training programs, both as participants and trainers. Adequate support measures must be implemented to ensure their full participation.¹²⁵

F. Mobility and Public Transportation

Decree No. 672 of 2020 recognizes the right of persons with disabilities to independent and autonomous mobility. The government is mandated to take effective measures to enhance accessibility in physical environments, transportation, information, communications, and public or private facilities serving the public.¹²⁶ Additionally, the government must facilitate access to assistive devices, technologies, and mobility aids at affordable costs to enhance the mobility of persons with disabilities.¹²⁷

IV. Current Legislative Proposals Regarding Persons with Disabilities

In 2023, the family commission of the Legislative Assembly began studying an initiative to reform the LEIPD that seeks to improve access to justice, education, profession, and infrastructure.¹²⁸

On March 2024, the Legislative Assembly extended the entry into force of chapter XVIII of the LEIPD through January 1, 2025, provisions regarding the sanctioning court, infractions, sanctions, and procedures.¹²⁹ Currently the Legislative Assembly has not discussed further topics related to people with disabilities or the reforms to Decree No. 672 of 2020, specifically for the entry into force of the sanctioning court; the last time this topic was discussed was on July 2023.¹³⁰

¹²³ Decreto No. 917, Dec. 19, 1996, art. 34, <https://perma.cc/4TG9-92YM>.

¹²⁴ Id. art. 35(b).

¹²⁵ Decreto No. 672 art. 69.

¹²⁶ Decreto No. 672 art. 37.

¹²⁷ Id.

¹²⁸ *Estudian Iniciative Para Que Personas con Discapacidad Tengan Mejor Acceso a la Justicia*, Asamblea Legislativa (July 12, 2023), <https://perma.cc/BZ84-4RUN>.

¹²⁹ Decreto No. 976 art. 1.

¹³⁰ Jessica García, *Cuatro Años Sin Sancionar Vulneraciones a Ley de Inclusión*, elsalvador.com (Oct. 22, 2024), <https://perma.cc/Q7Y2-9Q4K>.

England

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SUMMARY The Human Rights Act 1998 sets out a number of basic rights and freedoms that should be secured without discrimination. The UK is a signatory to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and has ratified and implemented its obligations into its domestic laws through amendments to the Copyright, Designs and Patents Act 1988. This allows disabled people, people acting on their behalf, and authorized bodies to make accessible copies of materials in certain circumstances without infringing copyright.

The Equality Act 2010 applies to England and is the main piece of legislation that prohibits discrimination, harassment, or victimization of a person due to one or more protected characteristics, which includes those with disabilities. It applies to the government and a wide range of organizations, including education providers, employers, associations, membership bodies, service providers, and those who provide public functions. In addition to prohibiting these actions, the Equality Act also places a duty on employers, service providers, and others to whom the act applies to anticipate the needs of disabled people and make reasonable adjustments for them.

I. Introduction

The United Kingdom (UK) is comprised of four countries: England, Wales, Scotland, and Northern Ireland, and has recently undergone a period of devolution with the creation of a Scottish Parliament, a Welsh Assembly, and a Northern Ireland Assembly that can legislate in certain areas. This report will focus on the laws of England.

The main framework providing for accessible information for individuals with disabilities is contained in the Equality Act 2010, which prohibits discrimination and other actions against individuals on the basis of their disabilities as well as setting out obligations on a number of bodies and sectors to make reasonable adjustments to ensure individuals with disabilities have access to both information and places. The Copyright, Designs and Patents Act 1988 served to incorporate the obligations of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty) into the domestic law of England, providing an exemption to copyright infringement for disabled individuals, those acting on their behalf, and authorized bodies to make accessible copies of material.

II. Legal Framework

A. Constitutional Protections

England does not have a formal written constitution. The European Convention on Human Rights was incorporated into the national law of the United Kingdom by the Human Rights Act 1998.¹ This set out a number of basic rights and freedoms for people and requires that these rights be secured without discrimination.² Section 6 of the Human Rights Act provides that public authorities, including libraries, must act in accordance with the rights set out in the European Convention on Human Rights.

B. International Obligations

The UK was originally bound by the Marrakesh Treaty by virtue of its membership in the European Union (EU) and had implemented the obligations of the treaty into its domestic laws.³ Upon leaving the EU, the UK signed the Marrakesh Treaty in its own right and made only minor changes to its domestic law to allow for internal EU cross-border arrangements.⁴ Prior to implementing the Marrakesh Treaty, deposit libraries were able to make and supply accessible copies of material for visually impaired individuals without infringing copyright, provided these types of material were not commercially available.⁵ This provision aimed to ensure accessibility to materials for blind and visually impaired individuals, as well as providing an incentive to copyright owners to make accessible copies available.⁶ Incorporating the obligations of the Marrakesh Treaty required the UK to remove the restrictions that the work must not be available

¹ Human Rights Act 1998, c. 42, sch. 1, <https://perma.cc/SF54-H6NF>.

² *Id.* § 14.

³ *WIPO-Administered Treaties*, WIPO, <https://perma.cc/V9U2-GEMS>; Secretary of State for Foreign and Commonwealth Affairs, *Marrakesh Treaty*, 2014, CP 174, <https://perma.cc/5FFT-DAYE>; Copyright and Related Rights (Marrakesh Treaty etc.) (Amendment) Regulations 2018, SI 2018/995, <https://perma.cc/R52J-8XDD>.

⁴ Explanatory Memorandum on the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, Cp. 174, ¶ 24, <https://perma.cc/842X-V7QA>.

⁵ Legal Deposit Libraries (Non-Print Works) Regulations 2013, SI 2013/777, reg. 26, <https://perma.cc/KSZ8-QRGC>.

⁶ Explanatory Memorandum to the Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014, 2014 No. 1372, The Copyright and Rights in Performances (Disability) Regulations 2014, 2014 No. 1384, The Copyright (Public Administration) Regulations 2014, 2014 No. 1385, [legislation.gov.uk](https://www.legislation.gov.uk), ¶ 7.11.5, <https://perma.cc/PC9R-RE8J>.

commercially in order for deposit libraries to make accessible copies⁷ and to cover all forms of disability.⁸

Section 31A of the Copyright, Designs and Patents Act 1988 provides that a disabled person, or a person acting on their behalf, who has lawful access to a copy, either whole or part, of a work and cannot enjoy it substantially to the same extent as a person without disability, may make an accessible copy of the work for their personal use without infringing copyright.⁹

Authorized bodies, which are educational establishments or non-profit bodies¹⁰ that have lawful access to the whole or part of a body of work may make either intermediate copies of this work in order to make accessible copies,¹¹ or make accessible copies of this work on a non-profit basis for the personal use of disabled persons¹² in England, or persons acting on their behalf, and may communicate, make available, distribute, or lend these accessible copies.¹³ To comply with this section, the authorized body must

- a) distribute[], communicate[], make[] available or lend[] accessible copies only to disabled persons or other authorised bodies,
- b) take[] appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible copies,
- c) demonstrate[] due care in, and maintain[] records of, its handling of works and accessible copies, and
- d) publish[] and update[], on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations in paragraphs (a), (b) and (c).¹⁴

Authorized bodies may communicate, make available, distribute, or lend accessible copies made under these provisions of the Copyright, Designs and Patents Act 1988 to other authorized bodies

⁷ An accessible copy of a copyright work is defined in section 31F of the Copyright, Designs and Patents Act 1988 as “a version of the work which enables disabled persons to access the work, including accessing it as feasibly and comfortably as a person who is not a disabled person An accessible copy – (a) may include facilities for navigating around the version of the work, but (b) must not include any changes to the work which are not necessary to overcome the problems suffered by the disabled persons for whom the accessible copy is intended.”

⁸ Explanatory Memorandum to the Copyright and Related Rights (Marrakesh Treaty Etc.) (Amendment) Regulations 2018, 2018 No. 995, legislation.gov.uk <https://perma.cc/G4A8-9PF9>.

⁹ Copyright, Design and Patent Act 1988, c. 48, § 31A, <https://perma.cc/5LGF-6V62>.

¹⁰ Id. § 31F.

¹¹ Id. § 31BA.

¹² “Disabled person” is defined in section 31F of the Copyright, Designs and Patents Act 1988 as “a person who has a physical or mental impairment which prevents the person from enjoying a copyright work to substantially the same degree as a person who does not have that impairment, and “disability” is to be construed accordingly But a person is not to be regarded as disabled by reason only of an impairment of visual function which can be improved, for example by the use of corrective lenses, to a level that is normally acceptable for reading without a special level or kind of light.”

¹³ Id. § 31B.

¹⁴ Id. § 31B(1A).

established in England that are also entitled to make accessible copies of the work to enable them to make these copies.¹⁵ Authorized bodies must keep a list of the titles of the works for which it has made any intermediate or accessible copies, along with the name and contact details of any authorized body in an EU member state to which it is has imported, exported, or accessed an accessible copy, and provide this list upon request in an accessible format to a disabled person, authorized body, or the right holder.¹⁶

The Copyright, Designs and Patents Act 1988 provides the Secretary of State with powers to provide a remedy in cases where technical measures, other than computer programs, mean that accessible copies cannot be made for disabled individuals covered under the Marrakesh Treaty.¹⁷ Section 296ZE of the Copyright, Designs and Patents Act 1988 considers these individuals to be “Marrakesh beneficiaries” and defines a Marrakesh beneficiary as a person who

- a) is blind,
- b) has a visual impairment which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment, and who is, as a result, unable to read printed works to substantially the same degree as a person without such an impairment,
- c) has a perceptual or reading disability and is, as a result, unable to read printed works to substantially the same degree as a person without such disability, or
- d) is otherwise unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would normally be acceptable for reading.¹⁸

Marrakesh beneficiaries and authorized bodies who are lawfully able to make accessible copies but are unable to do so due to technical restraints may make a complaint to the Secretary of State. The Secretary of State may then give directions to the copyright owner or exclusive licensee to

- a) establish[] whether any voluntary measure or agreement relevant to the copyright work the subject of the complaint subsists; or
- b) (where it is established there is no subsisting voluntary measure or agreement) ensur[e] that the owner or exclusive licensee of that copyright work makes available to the complainant the means of carrying out the permitted act the subject of the complaint to the extent necessary to so benefit from that permitted act.¹⁹

The UN Millennium Goals were succeeded by the Sustainable Development Goals (SDGs) and the UK states that it “was at the forefront of negotiating the SDGs and will be at the forefront of delivering them.”²⁰ By 2030, the UK aims to meet part of goal 10, to reduce inequalities, by “empower[ing] and promot[ing] the social, economic and political inclusion of all, irrespective

¹⁵ Id. § 31B(9) and sched. 2 ¶ 3B.

¹⁶ Id. § 31BB.

¹⁷ Id. § 296ZE.

¹⁸ Id.

¹⁹ Id.

²⁰ Cabinet Office et al., *Implementing the Sustainable Development Goals* (Updated July 15, 2021), <https://perma.cc/MHS5-29ZA>.

of . . . disability.”²¹ The UK is a signatory to the United Nations (UN) Convention on disability rights and its optional protocol but, as it has not introduced legislation incorporating the provisions of the treaty, the rights and obligations provided therein are not enforceable in the country.²²

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

The Equality Act 2010²³ is the main piece of legislation that protects people with disabilities. It applies to the government and a wide range of organizations, including education providers, employers, associations, membership bodies, service providers, and those who provide public functions. There are nine characteristics that are protected by the act, which are

- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- race,
- pregnancy and maternity,
- religion and belief,
- sex, and
- sexual orientation.²⁴

The Equality Act provides that a person has a disability if they have

- (a) . . . a physical or mental impairment, and
- (b) the impairment has a substantial and long-term adverse effect on [their] ability to carry out normal day-to-day activities.²⁵

Any behavior that discriminates against, harasses, or victimizes a person due to one or more of these characteristics is prohibited.²⁶ Indirect discrimination, which occurs where disabled people are disadvantaged without a reasonable justification, is also prohibited.²⁷ The Equality Act

²¹ Goal 10 - *Reduce Inequalities*, Sustainable Development Goals, <https://perma.cc/Y7ST-VH26>.

²² Convention on the Rights of Persons with Disabilities, May 3, 2008, 2515 UNTS 3, <https://perma.cc/DY3L-B8RB>.

²³ Equality Act 2010, c. 15, <https://perma.cc/PD2X-D8AJ>.

²⁴ Id. § 4.

²⁵ Id. § 31F.

²⁶ Id.

²⁷ Id. § 19. See further House of Commons Library, *Disability Discrimination*, CBP 9061 (Jan. 4, 2023), <https://perma.cc/LL58-BH4P>.

includes a number of offenses that are committed if the provisions of the act are not complied with, and these are punishable with fines.

The Equality Act places a duty on employers, service providers, and others to whom the act applies to anticipate the needs of disabled people and make reasonable adjustments for them.²⁸ This duty contains three requirements, as follow:

- (3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
- (4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
- (5) The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.
- (6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.²⁹

What adjustments are reasonable depends upon the circumstances of each case and the Equality Act does not include any specific factors that should be considered,³⁰ but it does state that service providers are not required to take any steps that would fundamentally alter the nature of the service, trade, or profession of the provider.³¹ The Statutory Code of Practice notes that reasonable adjustments depend upon the type of service provided, the nature of the service provider, and the effect of the disability on the person. The Code of Practice provides a non-exhaustive list of factors that may be considered when determining whether adjustments are reasonable, as follows:

- whether taking any particular steps would be effective in overcoming the substantial disadvantage that disabled people face in accessing the services in question;
- the extent to which it is practicable for the service provider to take the steps;
- the financial and other costs of making the adjustment;
- the extent of any disruption which taking the steps would cause;
- the extent of the service provider's financial and other resources;
- the amount of any resources already spent on making adjustments; and
- the availability of financial or other assistance.³²

²⁸ Equality Act 2010 § 20-22.

²⁹ Id. § 20.

³⁰ Equality and Human Rights Commission, *Equality Act 2010 Services, Public Functions and Associations Statutory Code of Practice* (2011), ¶ 7.29, <https://perma.cc/5KJH-JYLD>.

³¹ Equality Act 2010 sched. 2 ¶ 2(7).

³² *Equality Act 2010 Services, Public Functions and Associations Statutory Code of Practice*, supra note 30, ¶ 7.30.

The Code of Practice further notes that “[t]he question of the reasonableness of an adjustment is an objective one for the courts to determine.”³³

In cases where an individual believes he or she has been discriminated against, he or she may bring civil proceedings against the provider. If the court determines that the service provider has discriminated against a person, it may award the same remedies that are available to the high court in tort or judicial review cases.³⁴

The Equality Act places an additional duty on public authorities to consider how their policies or decisions impact people with protected characteristics. This is known as the public sector equality duty.³⁵ Specifically, when exercising its functions, public authorities must have regard for the need to

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.³⁶

Public authorities must consider this duty before, during, and after they have exercised their functions.³⁷ If a public authority fails to exercise this duty, it is grounds for judicial review, which if successful, can be used to quash a decision.³⁸

III. Rights of Persons with Disabilities

A. Right to Information

As noted above, the Equality Act places a duty on employers, service providers, and others to whom the act applies to anticipate the needs of disabled people and make reasonable adjustments for them, including providing information in an accessible format.³⁹ It is always reasonable for steps to be taken to ensure that information is provided in an accessible format if a disabled person is placed at a substantial disadvantage when being provided information, or where the absence of an auxiliary aid means that a disabled person is at a substantial disadvantage when providing information.⁴⁰

³³ Id. ¶ 7.33.

³⁴ Equality Act 2006 § 119(2).

³⁵ Id. § 149. See further House of Commons Library, *The Public Sector Equality Duty and Equality Impact Assessments*, No. 06591 (July 8, 2020), <https://perma.cc/HKD2-GL4H>.

³⁶ Equality Act 2006 § 149. A list of public bodies this duty applies to is contained in schedule 19 of this Act.

³⁷ House of Commons Library, *Disability Discrimination*, *supra* note 27, at 19.

³⁸ *Bracking et al v Secretary of State for Work and Pensions* [2013] EWCA Civ 1345, <https://perma.cc/YW2J-K4VD>.

³⁹ Equality Act 2010 §§ 20-22.

⁴⁰ Id. § 20.

1. Publicly Funded NLS-style Library

Public libraries in England are funded and either run, or commissioned, by the local government⁴¹ and there is not a publicly funded national library service specifically for blind or visually impaired people in England. The country relies instead “on charities, external organisations and a sharing of our collective resources and expertise.”⁴² The Royal National Institute of Blind People (RNIB) is a charity that provides support to blind and partially sighted people.⁴³ It has established a free library that has a collection of over 60,000 items for blind and visually impaired users that includes audiobooks, braille materials, newspapers, and magazines, along with an accessible format music library.⁴⁴

While there is not a publicly funded national library service specifically for blind or visually impaired people, the Public Libraries and Museums Act 1964 places a duty on library authorities to provide a “comprehensive and efficient” library service for individuals within their area.⁴⁵ The Minister for Culture and the Digital Economy has stated “[w]hat constitutes a comprehensive and efficient service is a question involving a significant element of judgment.”⁴⁶ This was further considered by the court in 2011, as follows:

[a] comprehensive service cannot mean that every resident lives close to a library. This has never been the case. Comprehensive has therefore been taken to mean delivering a service that is accessible to all residents using reasonable means, including digital technologies.

An efficient service must make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on council resources.

Decisions about the Service must be embedded within a clear strategic framework which draws upon evidence about needs and aspirations across the diverse communities of the borough.⁴⁷

The court has further noted that the “availability of resources is highly material to the question of what constitutes a comprehensive and efficient library service” and any reductions, and by implication increases, in funding may impact the provision of these services.⁴⁸

⁴¹ *Guidance: Libraries as a Statutory Service*, Department for Culture, Media & Sport, <https://perma.cc/Q5Y5-45VE>.

⁴² *Six Steps to Library Services for Blind or Partially Sighted People*, Gov.uk (May 26, 2016), <https://perma.cc/V78X-JETQ>.

⁴³ *Who We Are*, RNIB, <https://perma.cc/TZ22-SN2V>.

⁴⁴ *Welcome to the RNIB Library*, RNIB Library, <https://perma.cc/28BN-EXEH>.

⁴⁵ Public Libraries and Museums Act 1964, c. 75, <https://perma.cc/8ZXJ-F288>.

⁴⁶ Letter from the Minister of State for Culture and the Digital Economy to Councilor Martin John Hill OBE, Leader Lincolnshire County Council (Apr. 16, 2016), CMS 281716/asg, <https://perma.cc/8N6Y-2VVM>.

⁴⁷ *Bailey v London Borough of Brent* [2011] EWHC 2572 (Admin) ¶ 54, <https://perma.cc/9838-6LHC>.

⁴⁸ *R (Green) v Gloucestershire City Council* [2011] EWHC 2687 (Admin), <https://perma.cc/WW43-DJ7M>.

When providing these services, library authorities are subject to the public sector equality duty, referenced above, and the Secretary of State may direct a local inquiry regarding its decisions,⁴⁹ and they may also be subject to judicial review.⁵⁰ To comply with the public sector equality duty, libraries must undertake a “equality analysis and assessment . . . to demonstrate that decision-makers are fully aware of the impact that changes may have on users.”⁵¹ Library authorities should consider any methods available to mitigate any adverse impact on protected groups and the public sector equality duty “should be considered by councils at all stages of bringing forward library proposals, and should be demonstrably embedded in the decision-making process.”⁵²

The Department for Culture, Media and Sport has stated

Library services for blind and visually impaired people support public health outcomes by:

- maintaining maximum independence and dignity in old age reducing health inequalities, particularly addressing social isolation of older people
- improving mental health and wellbeing.

They also support local authority priorities by:

- transforming people’s life chances, putting those with poorest life chances first
- reducing need and demand for services by enabling and encouraging independence.⁵³

2. Public Legal Information

As noted above, it is always reasonable for steps to be taken to ensure that information is provided in an accessible format if a disabled person is placed at a substantial disadvantage when being provided information, or where the absence of an auxiliary aid means that a disabled person is at a substantial disadvantage when providing information.⁵⁴

The Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 place an obligation on public bodies⁵⁵ to ensure that any websites and mobile applications

⁴⁹ Letter from the Minister of State for Culture and the Digital Economy to Councilor Martin John Hill OBE, Leader Lincolnshire County Council, *supra* note 46.

⁵⁰ Public Libraries and Museums Act 1964, c. 75, <https://perma.cc/8ZXJ-F288>.

⁵¹ *Guidance: Libraries as a Statutory Service*, *supra* note 41.

⁵² *Id.*

⁵³ *Library Services for Blind and Visually Impaired People*, Department for Digital, Culture, Media & Sport (Dec. 16, 2015), <https://perma.cc/S8CS-SWFC>.

⁵⁴ Equality Act 2010, § 20.

⁵⁵ Regulation of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, SI 2018/952, <https://perma.cc/68MZ-JW6M>, provides that bodies are considered public bodies if “(a) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) they have legal personality; and (c) they have any of the following characteristics – (i) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; (ii) they are subject to management supervision by those authorities or bodies; (iii) they have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.”

that it provides are accessible by being “perceivable, operable, understandable and robust,”⁵⁶ insofar as this does not impose a disproportionate burden. The regulations further impose an obligation on public sector bodies to publish an accessibility statement that details how the body is complying with the accessibility requirement and this statement must be kept under regular review. The regulations provide that websites and mobile applications “will be presumed to be in conformity with the accessibility requirement to the extent that the website or mobile application conforms to Level A and AA Success Criteria as set out in the Web Content Accessibility Guidelines recommended by the World Wide Web Consortium.”⁵⁷

If a public sector body considers that complying with the accessibility requirement will impose a disproportionate burden, it must undertake “an assessment of the extent to which compliance with the accessibility requirement imposes a disproportionate burden.”⁵⁸ The aim of the regulations is “to ensure equality of access to government information and services.”⁵⁹

The regulations provide a number of exemptions and do not apply to: live time-based media; online maps and mapping services that are not for navigational use; third party content that is not funded, developed, or under the control of the public sector body; office file formats published prior to September 23, 2018; pre-recorded time-based media published prior to September 23, 2020; extranets and intranets published prior to September 23, 2019; websites and mobile applications that qualify as archives; reproductions of items in heritage collections that cannot be made fully accessible due to incompatibilities of the preservation of the item or the authenticity of the reproduction, or the unavailability of automated and cost-efficient solutions to extract information from heritage items and provide them in an accessible format.⁶⁰

B. Right to Access to Justice

The Human Rights Act 1998 incorporates the European Convention on Human Rights into domestic law. The act applies to the entire UK and provides that the right to liberty, security, and a fair trial are fundamental human rights. It further provides that every person charged with a criminal offense is entitled to an interpreter if they do not understand or speak the language used in court.⁶¹

As noted above, the Equality Act places a duty on public authorities, which include both the courts and police, to make reasonable adjustments to ensure that disabled persons can participate in the legal process.⁶² This duty involves the three requirements, stated above under Part II(C),

⁵⁶ Id. reg. 3.

⁵⁷ Id. reg. 9. See further *Web Content Accessibility Guidelines (WCAG) 2.2*, W3C (last updated Oct. 5, 2023), <https://perma.cc/98AT-5HPN>.

⁵⁸ *Equality Act 2010 Services, Public Functions and Associations Statutory Code of Practice*, supra note 30, reg. 7.

⁵⁹ House of Commons Library, *Disability Discrimination*, supra note 27, at 15.

⁶⁰ Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, SI 2018/952 reg. 4.

⁶¹ Human Rights Act 1998 art. 6(3)(e).

⁶² Equality Act 2010 § 149 & sched. 19.

*Domestic Legislation that Governs the Protection of Persons with Disabilities.*⁶³ His Majesty's Courts and Tribunals Service has stated that it takes a variety of actions to ensure that disabled court users can use its service independently, including

- providing our forms in large print
- providing our guidance in audio or easy read
- making sure hearing enhancement systems are available in every court and tribunal building
- providing a separate waiting area making sure ramps and lifts are available.⁶⁴

The Criminal Procedure Rules require the Magistrates' courts to ensure that "every reasonable step" is taken "to encourage and facilitate the attendance of witnesses . . . and [] to facilitate the participation of any person, including the defendant."⁶⁵ The rules require the court to take reasonable steps to determine if the defendant requires interpretation due to a hearing or speech disorder and for arranging for interpretation to be provided at every hearing the defendant should attend.⁶⁶ Facilitating the attendance of a witness includes allowing the witness to be accompanied while providing evidence.⁶⁷

The Criminal Practice Directions provide,

[t]he court is required to take 'every reasonable step' to encourage and facilitate the attendance of witnesses and to facilitate the participation of any person, including the accused. This includes enabling a witness or accused to give their best evidence, and enabling an accused to comprehend the proceedings. The pre-trial and trial process should, so far as necessary, be adapted to meet those ends.⁶⁸

Vulnerable individuals can range from young children "but also encompasses anyone who may not be able to participate effectively if reasonable steps are not taken to adapt the court process to their specific needs."⁶⁹

Civil Practice Direction 1A states

[t]he overriding objective requires that, in order to deal with a case justly, the court should ensure, so far as practicable, that the parties are on an equal footing and can participate fully in proceedings, and that parties and witnesses can give their best evidence. The parties are required to help the court to further the overriding objective at all stages of civil proceedings.

⁶³ Equality Act 2010 § 20.

⁶⁴ *Equality & Diversity*, Gov.uk, <https://perma.cc/R6Z8-QDED>.

⁶⁵ Criminal Procedure Rules, SI 2020/759 rule 3.8, <https://perma.cc/3URN-6TK5>.

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ *Criminal Practice Directions 2023*, CrimPRC(23)90(b), Judiciary.uk, <https://perma.cc/KKY6-RZRN>.

⁶⁹ Id.

Vulnerability of a party or witness may impede participation and also diminish the quality of evidence. The court should take all proportionate measures to address these issues in every case.⁷⁰

The Practice direction states that a person should be considered vulnerable when a factor, either personal, situational, permanent, or temporary can adversely affect their participating in proceedings or in giving evidence. It includes physical disability or impairment, or a health condition, in a list of non-exhaustive factors that can be considered to cause vulnerability.⁷¹ If the court determines that a party or witness's ability to participate or give evidence may be reduced by the reason of their vulnerability, the court may identify it and order appropriate provisions or special measures be made, such as using a device or aid to assist with communication.⁷²

C. Right to Culture

As noted above, the Equality Act 2010⁷³ is the main piece of legislation that protects people with disabilities. It applies to the government and a wide range of organizations, including education providers, employers, associations, membership bodies, service providers, and those who provide public functions. The Equality Act requires those it covers to make reasonable adjustments for people with disabilities, such as providing physical access using ramps or communication aids, such as Braille or audio descriptions. Cultural institutions funded by the government are also subject to the public sector equality duty, which is also discussed above, that places an additional duty on public authorities to consider how their policies or decisions impact people with protected characteristics. Websites of public sector bodies are also required to meet the obligations of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, discussed above, to ensure that these are accessible.

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

There do not appear to be any current legislative proposals on access to information for persons with disabilities.

⁷⁰ *Practice Direction 1A - Participation of Vulnerable Parties or Witnesses*, Justice.gov.uk, ¶¶ 1-2, <https://perma.cc/EY8H-FD66>.

⁷¹ *Id.* ¶ 4.

⁷² *Id.* ¶¶ 7 & 10.

⁷³ Equality Act 2010.

France

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SUMMARY The legal framework for protecting the rights of disabled people in France is multifaceted, encompassing constitutional provisions, international obligations, and comprehensive domestic legislation.

Although the French Constitution does not explicitly mention the rights of disabled individuals, it implicitly incorporates these rights through references in its preamble to key documents such as the Declaration of the Rights of Man and of the Citizen of 1789. This inclusion guarantees access to culture and subsistence.

Internationally, France adheres to the Marrakesh Treaty, has ratified significant treaties like the United Nations Convention on the Rights of Persons with Disabilities in 2010, and has adopted measures such as the European Accessibility Act to enhance accessibility across various sectors.

Domestically, the cornerstone of disability rights is the 2005 Handicap Law, which establishes equal rights and opportunities for disabled individuals. This law mandates accessibility in public services, education, and employment while providing financial assistance through schemes like the Disability Compensation Scheme and allowances for both children and adults with disabilities. Additionally, specific provisions exist for groups such as disabled veterans and minors with disabilities.

I. Introduction

The rights of disabled individuals in France are safeguarded by a legal framework that integrates constitutional principles, international treaties, and comprehensive domestic legislation. At the core of this framework is the recognition of equality and access to fundamental rights, which are enshrined in the French Constitution and reinforced by international commitments such as the United Nations (UN) Convention on the Rights of Persons with Disabilities.¹

The law of February 11, 2005, on equal rights and opportunities, participation, and citizenship for people with disabilities, also known as the Disability Law, serves as the central piece of domestic legislation, establishing a foundation for equal opportunities and participation for disabled individuals across various aspects of life, including education, employment, public services, and access to culture.²

¹ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

² Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées et liens vers les décrets d'application [Disability Law], Journal Officiel de la République Française [J.O.] Feb. 12, 2005, <https://perma.cc/X98R-KJ7Q>.

II. Legal Framework

A. Constitutional Protections

The French Constitution contains no explicit provisions specifically mentioning the rights or protection of disabled people. However, it incorporates these rights by reference to other documents in its preamble. The preamble itself serves as article 1 of the constitution, enshrining these rights at the highest constitutional level.³ The preamble of the Constitution of October 27, 1946, references the Declaration of the Rights of Man and of the Citizen of 1789. The preamble to the 1946 Constitution also recognizes an application of the principle of equality to the question of access to culture, stating that “The nation guarantees equal access . . . to culture.” The preamble of the 1946 Constitution also states that every human being who, by reason of age, physical or mental condition or economic situation, is unable to work, has the right to obtain from the community an adequate means of subsistence.⁴

B. International Obligations

France, as a member of the European Union (EU), has ratified the Marrakesh Treaty, which created the World Trade Organization.⁵ “The WIPO-administered Marrakesh Treaty makes the production and international transfer of specially-adapted books for people with blindness or visual impairments easier. It does this by establishing a set of limitations and exceptions to traditional copyright law.”⁶

On September 13, 2017, EU Regulation 2017/1563 and EU Directive 2017/1564 introduced the new mandatory exception to copyright rules into EU law, in accordance with the treaty. On February 15, 2018, EU Council Decision 2018/254 approved the conclusion of the treaty before its full ratification.⁷ The obligations set out in the treaty are being implemented primarily through the adoption of compliant national legislation, such as Decree no. 2018-1200 in France, which broadens the beneficiaries of the exception to copyright legislation, simplifies procedures for authorizing organizations, facilitates access to digital files, and establishes a framework for cross-border exchanges of text adapted for accessibility.⁸

France has also transposed European Directive 2019/882, also known as the European Accessibility Act (EAA), into national law through the enactment of Law No. 2023-171 on March

³ Texte intégral de la Constitution du 4 octobre 1958 en vigueur, Texte intégral en vigueur à jour de la révision constitutionnelle du 8 mars 2024, <https://perma.cc/B7JE-5ZQ7>.

⁴ Préambule de la Constitution du 27 octobre 1946, <https://perma.cc/E3DW-D69E>.

⁵ WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154, <https://perma.cc/XD3B-926S>.

⁶ *Celebrating 10 Years Since the Adoption of the Marrakesh Treaty!*, WIPO, [HTTPS://PERMA.CC/4K8W-X5N9](https://perma.cc/4K8W-X5N9).

⁷ Le traité de Marrakech, 2018 O.J. (L 48), <https://perma.cc/82MW-932B>.

⁸ Décret n° 2018-1200 du 20 décembre 2018 relatif à l’exception au droit d’auteur, aux droits voisins et au droit des producteurs de bases de données en faveur de personnes atteintes d’un handicap, J.O. Dec. 22, 2018, <https://perma.cc/XNJ6-K9NW>.

9, 2023.⁹ This legislation establishes comprehensive accessibility requirements across various products and services to improve usability for people with disabilities.

France ratified the UN Convention on the Rights of Persons with Disabilities in 2010.¹⁰

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

French legislation on the protection of disabled people is based on several fundamental pillars designed to guarantee their rights and inclusion in society.

1. *The Law of February 11, 2005, on Equal Rights and Opportunities, Participation, and Citizenship for People with Disabilities*

As stated in Section I, above, the Disability Law is the legislative foundation in this area. In the 2005 law, the French legislature stated that disabled citizens should have access to the fundamental rights recognized for all citizens.¹¹

These rights include the right to compensation for the consequences of disability, as well as the right to an income that will enable them to live independently with dignity. It also means that all local authorities have an obligation to ensure that mainstream services are accessible to disabled people. The right to compensation for the consequences of disability is implemented through the Disability Compensation Scheme.

a. Disability Compensation Scheme

The 2005 law enshrined the right to compensation in article L114-1-1 of the French Social Action and Family Code. Article L114-1-1 states that people with disabilities have the right to compensation for the challenges they face due to their condition. This compensation varies depending on a person's specific degree of disability and addresses various needs, including early childhood care, education, professional integration, and necessary accommodations at home and work to ensure that individuals with disabilities can fully exercise their citizenship, develop autonomy, and reach their potential.¹²

The 2005 law introduced the Disability Compensation Scheme (Prestation de compensation du handicap, PCH), materializing the right to compensation based on the specific needs of the disabled person. Article L245-3 of the Social Action and Family Code states that the PCH may be allocated to expenses related to various needs, including the need for human, technical, and

⁹ Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture, J.O. Mar. 9, 2023, <https://perma.cc/ZF3X-W5MU>.

¹⁰ Décret n° 2010-356 du 1er avril 2010 portant publication de la convention relative aux droits des personnes handicapées (ensemble un protocole facultatif), signée à New York le 30 mars 2007, J.O. Apr. 3, 2010, <https://perma.cc/TJH4-PEJR>.

¹¹ Code de l'action sociale et des familles art. L114-1, <https://perma.cc/TB3F-RTER>.

¹² Id. art. L114-1-1.

material assistance.¹³ To be eligible for the PCH, the person must present, permanently or for a foreseeable period of at least one year, a serious difficulty in carrying out at least two activities.¹⁴

The 2005 law established a one-stop center for people with disabilities, the Departmental Homes for the Disabled (Maisons Départementales pour les Personnes Handicapées - MDPH). Within the MDPHs, the Disability Rights and Autonomy Commissions (Commissions des Droits et de l'Autonomie des Personnes Handicapées - CDAPH), also created by the 2005 law, assess the degree of disability, and determine eligibility for disability compensation benefits, most notably, the Disability Compensation Scheme.¹⁵

b. Inclusive Education and Tailored Support for Minors with Disabilities

The Disability Law provides nuanced protections to support minors with disabilities by ensuring their full access to education and social participation.

- The right to regular schooling: Article L112-1 of the French Education Code stipulates that any child or teenager with a disability has the right to a school education adapted to his or her needs. This article obliges the French Ministry of Education to ensure that, as often as possible, pupils are educated in an ordinary environment as close as possible to their home, in a reference establishment.¹⁶
- Personalized schooling project: Article L112-2 of the French Education Code stipulates that each disabled child benefits from a personalized schooling project, which defines how his or her schooling is to be organized, and the pedagogical, psychological, educational, social, medical, and paramedical actions required to meet his or her particular needs.¹⁷
- Local Schooling: Articles L112-1 and L351-1 of the French Education Code specifies that disabled children and teenagers are to attend public schools closest to their homes.¹⁸
- Human support: Article L917-1 of the French Education Code stipulates that support staffers for pupils with disabilities are recruited to assist with their inclusion in school, including outside school hours. They receive specific training to help them carry out their duties, in collaboration with associations that support the families of disabled children.¹⁹

¹³ Id. art. L245-3.

¹⁴ Id. arts D245-4, annex 2-5.

¹⁵ Id. art. L146-3.

¹⁶ Code de l'Éducation art. L112-1, <https://perma.cc/78LA-TPR8>.

¹⁷ Id. art. L112-2.

¹⁸ Id. arts. L112-1, L351-1.

¹⁹ Id. art. L917-1.

2. Education Allowance for Disabled Children

The education allowance for disabled children (Allocation d'Éducation de l'Enfant Handicapé - AEEH) is a financial aid program that supports families with disabled children. This benefit helps offset expenses related to a child's disability for those under 20 years old. The AEEH is paid directly to parents or legal guardians to assist with the additional costs of raising a child with special needs. The AEEH may be accompanied by supplements determined according to the child's level of disability.²⁰

To receive the AEEH, a child must meet all the following conditions:

- be under 20 years of age,
- be a permanent resident of France,
- earn no more than 55% of the gross monthly minimum wage, €971.80 (around US\$1,054),
- have a degree of disability equal to or greater than 80%, or a degree of disability between 50% and less than 80%, with support from a medical-social establishment or service, adapted schooling linked to the disability, or care and/or rehabilitation linked to the disability, as recommended by the Disability Rights Commission (Commission des droits pour l'autonomie des personnes handicapées - CDAPH),²¹ and
- not be in a boarding school with full coverage of accommodation costs by the health insurance scheme, the state, or the department.²²

3. Disabled Adults' Allowance

The Disabled Adults' Allowance (Allocation aux Adultes Handicapés - AAH) is a form of financial assistance that guarantees disabled people a minimum income to help them cover their living expenses.²³

The rate of permanent disability required to qualify for the AAH is at least 80%.²⁴ The permanent disability required to qualify for the AAH is 50% if the disability poses a substantial and lasting restriction on access to employment.²⁵

The assessment of substantial and lasting restrictions on access to employment for individuals applying for the AAH involves evaluating significant difficulties due to disability, considering factors like underlying impairments and treatment constraints. A restriction is deemed

²⁰ Code de la Sécurité Sociale art. L541-1, <https://perma.cc/2EXP-QTSU>.

²¹ Id. arts. R541-1, R541-2.

²² Allocation d'éducation de l'enfant handicapé (AEEH), Service Public, <https://perma.cc/BP9S-VZPP>.

²³ L'allocation aux adultes handicapés (AAH), Mon Parcours Handicap, May 6, 2020, <https://perma.cc/3YPU-XHSL>.

²⁴ Code de la Sécurité Sociale art. D821-1.

²⁵ Id. art. L821-2.

substantial if it cannot be overcome through reasonable accommodations or compensation measures. It must be expected to last at least one year, with recognition for a period of one to five years. Employment is defined as professional activity that confers legal benefits, and compatible situations include work in protected environments, part-time roles due to disability, and participation in training programs.²⁶

The amount of the AAH is set by decree and depends on an applicant's resources. The amount is revalued on April 1st of each year.²⁷ A person who satisfies the other conditions for entitlement may claim the AAH if the total of all other resources the person received during the reference calendar year did not reach 12 times the amount of the AAH set by the French government.²⁸

4. Military Disability Pension

The Military Invalidity and Victims of War Pensions Code (Code des pensions militaires d'invalidité et des victimes de Guerre - CPMIVG) sets out specific rules for compensation for invalidity suffered by servicemen and women, former servicemen and women, and their dependents, because of an injury sustained in the line of duty, or if they contracted a disease due to the performance of their duties.

Article L 121-1 of the CPMIVG delineates the following four specific circumstances under which a military disability pension may be granted:

- disabilities resulting from injuries sustained due to war events or service-related accidents,
- disabilities arising from illnesses contracted because of, or in connection with, military service,
- the exacerbation of pre-existing non-service-related disabilities, where such aggravation is attributable to or occurs in the context of military service, and
- disabilities stemming from injuries incurred during operational missions, including periods of expertise, testing, training, or while on stopover, except in the case of fault on the part of the victim that is unrelated to the service.²⁹

Article L121-5 of the CPMIVG establishes the criteria for granting military disability pensions based on the degree of disability. This degree of disability is a prerequisite for the award of a military disability pension. The pension is awarded under the following conditions:

- for disabilities resulting from injuries, if the disability rate reaches or exceeds 10%,
- for disabilities resulting from illnesses associated with injuries, if the overall disability rate reaches or exceeds 30%,

²⁶ Id. art. D821-1-2.

²⁷ Id. art. L821-3-1.

²⁸ Id.

²⁹ Code des pensions militaires d'invalidité et des victimes de guerre art. L121-1, <https://perma.cc/39JL-7ACK>.

- for disabilities resulting exclusively from illness, if the disability rate reaches or exceeds:
 - a) 30% in case of a single disability,
 - b) 40% in case of multiple disabilities.

The disability rate is determined based on the functional impairment or impact on the individual's general health condition. This rate serves as a threshold for eligibility, establishing the minimum level of disability required to qualify for a military disability pension.³⁰

5. Law of March 5, 2007, Reforming the Legal Protection of Adults

The law of March 5, 2007, reformed the legal protection of adults.³¹

a. Safeguard of Justice

Safeguard of justice is provided for in article 433 of the Civil Code.³² Safeguarding a person's rights under the law gives access to a special mandate, which enables urgent action to be taken to safeguard the interests of a vulnerable person, before a judgment is handed down establishing guardianship or curatorship. The special mandate can be used, for example, to release life insurance to pay for a retirement home, to draw up an over-indebtedness file, or to sell the property of a person who would otherwise be institutionalized.³³

b. Curatorship or guardianship

The French legal system provides two levels of adult guardianship: *curatelle* (curatorship) and *tutelle* (guardianship). Curatorship requires the protected person to be assisted in important financial decisions, while guardianship involves representation in all civil matters, except strictly personal acts. The judge can modify these measures, allowing a curator to represent the vulnerable person in specific acts or permitting a person under guardianship to perform certain acts alone or with assistance. The judge may appoint multiple guardians or curators, potentially dividing responsibilities between personal and financial matters. In cases of family conflict, a professional guardian may be appointed for part of the protection measure.³⁴

The law of March 5, 2007, introduced several provisions to strengthen the rights of protected adults. It mandates that the guardian or curator must inform the protected person about their

³⁰ Id. art. L121-5, <https://perma.cc/8N67-HG26>.

³¹ Loi n° 2007-308 du 5 mars 2007 portant réforme de la protection juridique des majeurs [Law Reforming Legal Protection of Adults], J.O. Mar. 7, 2007, <https://perma.cc/BR8Z-99QX>.

³² Code civil [Civil Code] art. 433, <https://perma.cc/RUV2-BYMP>.

³³ *La protection juridique des majeurs*, Ministère des Solidarités, de l'Autonomie et de l'Égalité entre les femmes et les hommes (Dec. 20, 2022), <https://perma.cc/FYM4-839T>.

³⁴ Code Civil arts. 457-463.

personal situation and asset management while seeking their consent or agreement for decisions.³⁵

6. *Law of September 5, 2018, for the Freedom to Choose One's Professional Future*

The 2018 law reformed the apprenticeship and continuing vocational training systems, as well as the operation of unemployment insurance.³⁶ A new institution, "France Compétences,"³⁷ was created to regulate the vocational training sector. For apprenticeships, the law raises the age limit to 29 and increases apprentice wages. For unemployment insurance, the law extends benefits to individuals who resign and certain self-employed workers under specific conditions. It also introduces a logbook for jobseekers to track their progress.

The 2018 law also reformed the obligation to employ disabled workers (obligation d'emploi des travailleurs handicapés - OETH). Starting in 2020, employers with 20 or more employees must ensure that disabled individuals comprise 6% of their workforces. This rate is revised every five years.³⁸

7. *Decree of December 13, 2022, on the Career Path and Rights of Disabled Workers*

Decree No. 2022-1561, issued on December 13, 2022, establishes provisions aimed at improving the professional integration of individuals with disabilities in France. It focuses on enhancing and securing employment support for the 120,000 disabled workers admitted to Establishments and Services for Help Through Work (Établissements et Services d'Aide par le Travail - ESAT), specialized institutions in France dedicated to the social and professional integration of adults with disabilities. The decree introduces several key measures, including the alignment of rights with the Labor Code, the allowance for part-time work in both ESAT and ordinary employment, and the facilitation of transitions between the ordinary labor market and protected environments without the need for administrative approval.³⁹

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

In France, the Bibliothèque Nationale de France (BNF) is responsible for ensuring access to information and culture for people with disabilities, including the blind and visually impaired,

³⁵ Law Reforming Legal Protection of Adults art. 7.

³⁶ Loi n° 2018-771 du 5 septembre 2018 pour la liberté de choisir son avenir professionnel [Law for Freedom to Choose a Profession], J.O. Sept. 6, 2018, <https://perma.cc/KB83-YCWZ>.

³⁷ France Compétence, République Française, <https://perma.cc/XK2L-D3J6>.

³⁸ Law for Freedom to Choose a Profession art. 67.

³⁹ Décret n° 2022-1561 du 13 décembre 2022 relatif au parcours professionnel et aux droits des travailleurs handicapés admis en établissements et services d'aide par le travail, J.O. Dec. 14, 2022, <https://perma.cc/YD2Y-CVUK>.

through the specific service of the Bibliothèque Numérique Francophone Accessible (BNFA). BNF is legally obliged to offer services adapted to disabled people, in accordance with the Disability Law.

The BNF also plays a crucial role in improving accessibility for people with disabilities through its Secure Platform for Transferring Digital Works (Plateforme sécurisée de Transfert des Ouvrages Numériques - PLATON). Since 2009, the BNF has served as the central depository for digital files of published works requested by accredited organizations for adaptation. To this end, the national library launched PLATON, a secure platform that streamlines the process of adapting works for disabled individuals as part of the handicap exception to copyright.⁴⁰ PLATON functions as a centralized hub, managing requests, facilitating secure file transfers, and storing deposited documents.

Access and transfer of files on the PLATON portal are regulated by a 2018 decree on exceptions to copyright, neighboring rights, and the rights of database producers in favor of people with disabilities.⁴¹ The platform provides accredited organizations with unlimited access to these files, enabling them to create adapted versions for people with disabilities. Furthermore, PLATON serves as a repository for the adapted works created by these organizations, fostering collaboration and resource-sharing among authorized entities such as EU members states and signatory countries to the Marrakesh Treaty. The PLATON portal enables people with disabilities to find out whether a book they are looking for is commercially available in a format that includes accessibility features to meet their needs; if not, the portal will allow them to check whether the book has already been adapted. If the book has already been adapted, the person can immediately retrieve the corresponding digital file from the portal. If the book does not exist in any accessible format, the person can request an adaptation on the portal; the organization managing the portal will work with the adapting organizations to provide this adaptation as quickly as possible.⁴²

2. Public Legal Information

The Disability Law stipulates that disabled people must have equal access to public information and services. Article 47 of the law states that online public communication services provided by government departments must be accessible to people with disabilities. The law requires public institutions to take the necessary measures to ensure that information is accessible through technical adaptations and accessible formats.⁴³

⁴⁰ *Plateforme de Transfert des Ouvrages Numériques*, Bibliothèque nationale de France, <https://perma.cc/YBZ5-F3WU>.

⁴¹ Décret n° 2018-1200 du 20 décembre 2018 relatif à l'exception au droit d'auteur, aux droits voisins et au droit des producteurs de bases de données en faveur de personnes atteintes d'un handicap, J.O. Dec. 22, 2018, <https://perma.cc/XNJ6-K9NW>.

⁴² *Service PLATON de la BNF*, Ecole Nationale Supérieure des Sciences de l'information et des Bibliothèques (Oct. 12, 2023), <https://perma.cc/7YE7-BK38>.

⁴³ Disability Law art. 47.

3. *Accessibility of Electoral Operations*

Article L62-2 of the French Electoral Code states that polling stations and voting techniques must be accessible to disabled persons, regardless of the type of disability.⁴⁴ Article D56-1 of the Electoral Code states that on polling day, polling station premises must be accessible to disabled people, regardless of their disability.⁴⁵ Lastly, article D61-1 of the same code states that voting techniques must be accessible to disabled people, regardless of the type of disability.⁴⁶

B. Right to Access to Justice

1. *Pretrial*

Courts and other places of justice must be accessible to people with reduced mobility, in accordance with the accessibility requirements of the Disability Law.⁴⁷

Disabled people are entitled to legal assistance adapted to their situation, including legal aid to cover court and lawyer's fees, in accordance with Law no. 91-647 of July 10, 1991, on legal aid.⁴⁸

Article L1111-6 of the French Public Health Code also provides for the possibility of being accompanied by a trusted support person during the preliminary steps.⁴⁹

2. *During Trial*

In accordance with article 76 of the Disability Law, the following arrangements can be made to enable effective participation in the trial:

- a sign language interpreter for the deaf or hard of hearing,
- braille or large print documents for the visually impaired,
- assistance of a court officer for people with comprehension difficulties.⁵⁰

3. *After Trial*

Court decisions must be provided in a format accessible to disabled individuals. Article 21 of the 2006 Digital Republic Law requires online publication of court decisions.⁵¹ Article 47 of the

⁴⁴ Code électoral art. L62-2, <https://perma.cc/Y47R-QYND>.

⁴⁵ Id. art. D56-1, <https://perma.cc/J3JY-QGBZ>.

⁴⁶ Id. art. D61-1, <https://perma.cc/PX5N-LFBS>.

⁴⁷ Disability Law art. 41.

⁴⁸ Loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique, J.O. July 13, 1991, <https://perma.cc/SZD7-L4K7>.

⁴⁹ Code de la Santé Publique art. L1111-6, <https://perma.cc/FAL3-XU6R>.

⁵⁰ Disability Law art. 76.

⁵¹ Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique, J.O. Oct. 8, 2016, art. 21, <https://perma.cc/Q6D6-VMYR>.

Disability Law makes accessibility a legal obligation for all government online public communication services.⁵²

C. Right to Culture

1. Access to Cultural Heritage Sites

The Disability Law establishes a general accessibility framework that includes the legal obligation to make public buildings and cultural heritage sites accessible to the public. The 2005 law mandates that establishments receiving the public (ERP) and facilities accessible to the public (IOP), including cultural heritage sites, must be made accessible to everyone. The law modified the French Construction and Habitation Code, providing that all architectural designs, interior and exterior fittings, and equipment of residential premises, whether owned by private individuals or public entities, as well as establishments and facilities open to the public as well as workplaces must be accessible to all. This includes ensuring access for people with disabilities, regardless of the type of disability, including physical, sensory, cognitive, mental, or psychological disabilities.⁵³

The French Construction and Habitation Code defines ERPs as all buildings, premises, and enclosures in which people are admitted, either freely or in return for payment or participation of any kind, or in which meetings are held that are open to all or by invitation, whether paid for or not.⁵⁴ Although no legal definition exists for IOPs, an interministerial circular describes them as public or private spaces serving public buildings, the equipment installed there, and permanent facilities not connected to a public building, such as the main walkways in public gardens.⁵⁵

2. PCH and Access to Culture

The definition and conditions for the payment of the PCH are discussed in Section II.C.1.a, above.

The Disability Law states, “All disabled people are entitled to the solidarity of the entire national community, which guarantees them, by virtue of this obligation, access to the fundamental rights recognized to all citizens, as well as the full exercise of their citizenship.”⁵⁶

The decree of December 19, 2005, on the home compensation benefit for disabled people reiterates that access to culture is one of these fundamental rights.⁵⁷ When granted, the PCH must enable

⁵² Disability Law art. 47.

⁵³ Id. art. 41.

⁵⁴ Code de la construction et de l’habitation art. R143-2, <https://perma.cc/CMU5-SC5Z>.

⁵⁵ Circulaire interministérielle n° 2007-53 DGUHC du 30 novembre 2007 relative à l’accessibilité des établissements recevant du public, des installations ouvertes au public et des bâtiments d’habitation, <https://perma.cc/5PS9-9VMX>.

⁵⁶ Disability Law art. 2.

⁵⁷ Décret no 2005-1591 du 19 décembre 2005 relatif à la prestation de compensation à domicile pour les personnes handicapées, J.O. Dec. 20, 2005, <https://perma.cc/QU86-SC6A>.

independent access to culture. The compensation provided for by the Disability Law is thus a system designed to reduce the consequences of disability for people with an impairment, enabling them to integrate and participate in society. For example, disabled persons who are unable to find their way around on their own may, as part of their life project, apply for PCH funding for a caregiver to accompany them to a museum or theater class.⁵⁸

3. *Obligation of Editors of Digital Resources*

Article 48 of the Disability Law mandates accessibility standards for digital books and associated software to ensure usability by people with disabilities. Responsibility for meeting these standards lies with economic operators, including publishers and digital book distributors. Small businesses, defined as those with fewer than 10 employees and less than 2 million euros in annual revenue, are exempt from these obligations.⁵⁹

Article 48 also requires that accessibility information be made available in formats accessible to people with disabilities, aligning with European Directive 2019/882. The Audiovisual and Digital Communication Regulatory Authority (Autorité de Régulation de la Communication Audiovisuelle et Numérique - ARCOM) is responsible for monitoring compliance of products and services with these accessibility standards and handling complaints regarding noncompliance.⁶⁰

4. *Copyright Exception for the Disabled*

French law provides an exception to copyright for individuals with disabilities within the French Intellectual Property Code. This provision allows nonprofit organizations to create and distribute adapted versions of protected works without prior authorization or compensation to rights holders. Beneficiaries can access these adaptations solely for personal use. Additionally, individuals who cannot read due to a disability, or someone acting on their behalf, may adapt a protected work for their own needs. This exception covers all intellectual works protected by copyright, including literary, musical, cinematographic, audiovisual works, and fine arts. When adapting a work, organizations must respect the author's right to attribution and the integrity of the original work. They can modify content if these changes are necessary for accessibility, such as transforming illustrations for the visually impaired or simplifying text for better comprehension. However, any alteration that compromises the work's integrity or distorts its meaning would violate the moral rights of the author.⁶¹

French law establishes a two-tier accreditation system for organizations producing and distributing adapted documents for people with disabilities.

⁵⁸ Eric B. Degros, *Le Droit du Handicap et la Gestion du Patrimoine Culturel* 127 (l'Harmattan 2014), bibliographical information available at <https://lcn.loc.gov/2015419862>.

⁵⁹ Disability Law art. 48.

⁶⁰ Id.

⁶¹ Code de la Propriété Intellectuelle arts. L122-5, L122-5-1, <https://perma.cc/H3C7-7XGX>.

- Registration: This basic level allows organizations to
 - create and distribute adapted documents to disabled individuals, and
 - access adapted digital documents on the PLATON platform managed by the National Library of France.
- Approval: This higher level, available only to registered organizations, enables them to
 - request access to publishers' original digital files deposited on PLATON, and
 - use these files to create adapted versions.

To obtain approval, organizations must demonstrate their ability to ensure the security and confidentiality of the files they access. Organizations seeking either registration or approval must apply using a form provided by the Ministry of Culture.

5. Law of July 7, 2016, on Freedom of Creation, Architecture, and Heritage

The 2016 Law promotes the creation and distribution of works accessible to everyone.⁶² It aims to make books more available to people with disabilities by eliminating barriers to adapting works. Additionally, it supports the training of disabled artists and the adaptation of performances to ensure accessibility for people with disabilities, including the use of sign language performances and technical aids such as subtitles and tailored interpretations.

6. Decree of March 28, 2017

Decree no. 2017-431 of March 28, 2017, requires all ERPs to have a public accessibility register.⁶³ The register must include

- comprehensive information on the services offered by the establishment,
- a list of administrative and technical documents related to the establishment's accessibility for disabled individuals, and
- a description of staff training programs for welcoming disabled people, along with supporting documentation.⁶⁴

⁶² Loi n° 2016-925 du 7 juillet 2016 relative à la liberté de la création, à l'architecture et au patrimoine, J.O. July 8, 2016, <https://perma.cc/C5PL-G3D5>.

⁶³ Décret n° 2017-431 du 28 mars 2017 relatif au registre public d'accessibilité et modifiant diverses dispositions relatives à l'accessibilité aux personnes handicapées des établissements recevant du public et des installations ouvertes au public, J.O. Mar. 30, 2017, <https://perma.cc/6M34-6KVX>.

⁶⁴ Id. art. 1.

7. *Law of March 9, 2023*

European Directive 2019/882, known as the “European Accessibility Act,” was adopted to improve the internal market by eliminating barriers to the free movement of certain accessible products and services. Its goal is to foster a more inclusive society and enhance the autonomy of people with disabilities or other functional limitations. In the digital book sector, the directive applies to e-readers, digital books, and specialized software. It also extends to e-commerce websites, banking services, and general-purpose computer systems, covering the entire digital book supply chain.

France incorporated this directive into national law through the law of March 9, 2023,⁶⁵ which was further detailed by an implementing decree and order on August 14, 2023.⁶⁶ These texts specify the requirements for natively accessible digital books and allow for exemptions for economic operators within the digital book chain. The new accessibility standards will take effect on June 28, 2025, for digital books published after that date. Publishers will need to evaluate their publications and justify any exemptions to the ARCOM. For digital books published before this date, a five-year extension has been granted, delaying compliance until June 28, 2030.

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

A. Proposed Law to Make Disability a “Major National Cause”

This proposed law, registered at the Presidency of the National Assembly on September 17, 2024,⁶⁷ aims to declare disability a “major national cause” in France. It recognizes that, despite the progress made – particularly since enactment of the Disability Law – people with disabilities still face numerous obstacles in their daily lives, whether in terms of employment, accessibility, or schooling. The aim of this national recognition is to mobilize the whole of society to raise awareness and reinforce the inclusion of people with disabilities. Proposed measures include accessibility improvements, tax incentives for the employment of disabled people, adapted training for caregivers, and plans to guarantee school inclusion.

B. Proposed Law to Strengthen the Inclusive Pathway for Students with Disabilities

This proposed law, registered at the Presidency of the National Assembly on October 15, 2024,⁶⁸ aims to strengthen the inclusion of students with disabilities in the French education system.

⁶⁵ Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d’adaptation au droit de l’Union européenne dans les domaines de l’économie, de la santé, du travail, des transports et de l’agriculture, <https://perma.cc/C2A7-QVUH>.

⁶⁶ Arrêté du 14 août 2023 relatif aux exigences d’accessibilité applicables aux livres numériques et logiciels spécialisés, J.O. Aug. 22, 2023, <https://perma.cc/HS8S-UZ6K>.

⁶⁷ Proposition de loi, n° 260, visant à faire du handicap une « grande cause nationale », Assemblée Nationale, Sept. 17, 2024, <https://perma.cc/RS44-DS3U>.

⁶⁸ Proposition de loi, n° 439, visant à renforcer le parcours inclusif des élèves en situation de handicap, Assemblée Nationale, Oct. 15, 2024, <https://perma.cc/MZ89-N7ZG>.

Although progress has been made since the Disability Law was passed, there are still obstacles to ensuring that these students have an adapted and continuous education. The text proposes the following three main measures:

- creation of an inclusive learning path booklet (article 1): this digital booklet will follow each student with a disability throughout his or her schooling, to facilitate the coordination of aids and accommodations by professionals,
- creation of a national observatory (article 2): this body will collect data and evaluate school inclusion and professional integration schemes for people with disabilities, to enhance the effectiveness of public policies, and
- increased training for teachers (article 3): teachers will have access to specific training to better understand and support the needs of students with disabilities.

These measures will be financed by an increase in the tax on tobacco (article 4). This proposal marks a new step towards a truly inclusive and adapted school.

Germany

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SUMMARY The rights of people with disabilities in Germany are specifically protected in the German Basic Law, the country’s constitution, as well as in domestic legislation, in particular in the Act on Equal Opportunities for Persons with Disabilities. Public sector bodies may not discriminate against people with disabilities and must make public facilities accessible. Public legal information, including online information, must be provided barrier-free.

Germany does not have a publicly funded NLS-style library on a federal level. However, various state institutions as well as private non-profit organizations offer services to blind, visually impaired, and print-disabled people.

Courts are obligated by the German Basic Law not only to offer nondiscriminatory treatment to people with and without disabilities, but also to apply the procedural rules in such a way that ensures effective access to justice for persons with disabilities on an equal basis with others. Persons with disabilities are therefore awarded certain procedural accommodations, such as communication aids.

The Federal Government Commissioner for Culture and the Media supports the implementation of the Federal Act on Equal Opportunities for Persons with Disabilities in cultural facilities. Receiving funding for a movie or a show is dependent on making an additional barrier-free version.

The government is currently preparing an amendment to the Federal Act on Equal Opportunities for Persons with Disabilities to achieve accessibility in all areas of public and private life with regard to mobility, housing, healthcare, and in the digital sector.

I. Introduction

Germany does not have a stand-alone law that deals with the rights of people with disabilities. However, their rights are protected in the German Basic Law, the country’s constitution, and in various different national statutes that deal with equal participation and accessibility in all sectors. Germany’s international obligations have been implemented into national legislation. The coalition agreement of Germany’s current government provides that the parties will make “inclusion” a priority of their work.¹ In particular, the governing parties strive to promote accessibility in all areas of public and private life with regard to mobility, housing, healthcare,

¹ SPD, Bündnis 90/Die Grünen & FDP, *Koalitionsvertrag 2021 – 2025 zwischen der Sozialdemokratischen Partei Deutschlands (SPD), BÜNDNIS 90/DIE GRÜNEN und den Freien Demokraten (FDP), Mehr Fortschritt wagen, Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit 61* (Koalitionsvertrag 2021-2025) (Dec. 7, 2021), <https://perma.cc/37UB-5YNL>.

and in the digital sector, and improve labor market integration for people with disabilities.² Among other measures to implement these objectives, the “Federal Accessibility Initiative – Germany is Becoming Accessible” was launched in 2022,³ and proposals to amend various national laws that deal with disability are being debated. Furthermore, the 2022 Digital Strategy of the government includes measures to improve digital accessibility and digital participation by persons with disabilities, such as by establishing a database with information on AI-based assistance tools to better integrate people with disabilities into the labor market.⁴

II. Legal Framework

A. Constitutional Protections

The German Basic Law explicitly prohibits discrimination of persons with disabilities. The Equality Clause states that “[n]o person shall be disfavoured because of disability.”⁵ It is binding on all three branches of government.⁶ The German Federal Constitutional Court (Bundesverfassungsgericht, BVerfG) defines disability as “the repercussion of a more than temporary impairment of functions that is based on a disordered physical, mental or spiritual state.”⁷ It is “a personal characteristic on whose existence or non-existence the individual only has a restricted influence.”⁸ According to the court,

it is decisive whether a person’s ability to lead their lives individually and independently is impaired in the longer term. Persons with disabilities include mentally ill persons if they have a longer-term impairment affecting them in such a way that they are prevented from fully, effectively and equally participating in society.⁹

² Id. at 61, 62.

³ Bundesministerium für Arbeit und Soziales [BMAS], *Eckpunkte: „Bundesinitiative Barrierefreiheit - Deutschland wird barrierefrei,”* <https://perma.cc/D4NV-LCKB>.

⁴ Bundesregierung, *Digitalstrategie. Gemeinsam digitale Werte schöpfen* (2022), at 28, <https://perma.cc/8HVG-PSDK>.

⁵ Grundgesetz für die Bundesrepublik Deutschland [Grundgesetz] [GG], May 23, 1949, Bundesgesetzblatt [BGBl.] I at 1, as amended, art. 3, para. 3, sentence 2, <https://perma.cc/5H2X-EDTL> (original), <https://perma.cc/H2GT-EPEP> (English translation, updated through Dec. 19, 2022).

⁶ Id. art. 1, para. 3.

⁷ Bundesverfassungsgericht [BVerfG], Oct. 8, 1997, docket no. 1 BvR 9/97, ECLI:DE:BVerfG:1997:rs19971008.1bvr000997, para. 48, <https://perma.cc/W968-25AH> (original), <https://perma.cc/VEE4-R5P4> (English translation).

⁸ Id. para. 51.

⁹ BVerfG, Jan. 29, 2019, docket no. 2 BvC 62/14, ECLI:DE:BVerfG:2019:cs20190129.2bvc006214, para. 54, <https://perma.cc/KH7F-PJAL> (original), <https://perma.cc/S7TE-BB93> (English translation).

B. International Obligations

Germany signed the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2007 and ratified them in 2009.¹⁰ Three different agencies are in charge of the implementation of the CRPD in Germany. The main agency is the national focal point, which is situated at the Federal Ministry of Labor and Social Affairs (Bundesministerium für Arbeit und Soziales, BMAS). The BMAS has drawn up a National Action Plan, which identifies measures and responsible public institutions for the implementation.¹¹ In addition, in May 2009, the German government designated the German Institute for Human Rights (Deutsches Institut für Menschenrechte, DIMR) as an independent monitoring mechanism.¹² Finally, the state coordination agency is located at the Office of the Federal Government Commissioner for Matters Relating to Persons with Disabilities (Beauftragter für die Belange von Menschen mit Behinderungen).¹³

Furthermore, Germany is a member state of the European Union (EU). The EU enjoys exclusive competence in defining copyright rules concerning materials intended for use by people with disabilities, a topic which is covered by the Marrakesh Treaty.¹⁴ The EU signed the Marrakesh Treaty on April 30, 2014, and it entered into force for the EU on January 1, 2019.¹⁵ The EU has implemented the obligations stemming from it in Directive (EU) 2017/1564.¹⁶ Member states had to transpose the directive into national law by October 11, 2018.¹⁷ Germany has transposed the directive in sections 45a to 45d of the German Copyright Act (Urheberrechtsgesetz, UrhG) and in the Ordinance on Authorized Entities under the Copyright Act (Verordnung über befugte Stellen nach dem Urheberrechtsgesetz, UrhGBefStV).¹⁸ A list of “authorized entities” according to article 2(c) of the Marrakesh Treaty is maintained by the German Patent and Trade Mark Office (Deutsches Patent- und Markenamt, DPMA).¹⁹

¹⁰ *Convention on the Rights of Persons with Disabilities*, UNTC, <https://perma.cc/BB4K-MF6D>; *Optional Protocol to the Convention on the Rights of Persons with Disabilities*, UNTC, <https://perma.cc/87S6-5URA>.

¹¹ The National Action Plan was adopted in 2011 and updated in 2016, see BMAS, *Nationaler Aktionsplan 2.0 der Bundesregierung zur UN-Behindertenrechtskonvention (UN-BRK)* (2016), <https://perma.cc/P6H7-6Y6B>.

¹² For more information, see *Über die Monitoring-Stelle*, DIMR, <https://perma.cc/7FGP-2VYK>.

¹³ Federal Government Commissioner for Matters Relating to Disabled Persons, *The State Coordination Agency based on Article 33 UN Convention on the Rights of Persons with Disabilities. Report 2010 – 2013* (June 1, 2013), <https://perma.cc/287R-GWSW>.

¹⁴ Court of Justice of the European Union (CJEU), Feb. 14, 2017, Opinion 3/15, ECLI:EU:C:2017:114, <https://perma.cc/TME7-LY6F>.

¹⁵ *WIPO-Administered Treaties: Marrakesh VIP Treaty*, WIPO, <https://perma.cc/46J4-7KDB>.

¹⁶ Directive (EU) 2017/1564, 2017 O.J. (L 242) 6, <https://perma.cc/YC8W-Y4TD>.

¹⁷ Id. art. 11, para. 1.

¹⁸ *Urheberrechtsgesetz [UrhG]*, Sept. 9, 1965, BGBl. I at 1273, as amended, <https://perma.cc/4K83-EP3X> (original), <https://perma.cc/U4BW-VTW7> (English translation); *Verordnung über befugte Stellen nach dem Urheberrechtsgesetz [UrhGBefStV]*, Dec. 8, 2018, BGBl. I at 2423, <https://perma.cc/C6ZY-ZF2N>.

¹⁹ *List of Authorised Entities*, DPMA, <https://perma.cc/B87W-SGWA>.

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

On a domestic level, the rights of persons with disabilities are protected, in particular, by the Act on Equal Opportunities for Persons with Disabilities (*Behindertengleichstellungsgesetz, BGG*),²⁰ the Federal Participation Act (*Bundesteilhabegesetz, BTHG*),²¹ the Act to Enhance the Implementation of Accessibility (*Barrierefreiheitsstärkungsgesetz, BFSG*),²² Book IX of the Social Code – Rehabilitation and Participation of Persons with Disabilities,²³ and the General Act on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz, AGG*).²⁴

Government agencies that are involved in protecting and enforcing the rights of people with disabilities include the Federal Government Commissioner for Matters Relating to Persons with Disabilities.²⁵ The Commissioner is appointed by the government for one legislative term and is responsible for ensuring that the federal government awards people with and without disabilities with equal living conditions in all areas of society. The Commissioner must be involved by all federal ministries when they legislate in areas that deal with or touch questions of integration of people with disabilities.²⁶

The Federal Anti-Discrimination Agency (FADA) (*Antidiskriminierungsstelle des Bundes*) is part of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth and provides counselling and initial legal advice to people who have been discriminated on the grounds of race or ethnic origin, gender, religion or belief, disability, age, or sexual orientation.²⁷

1. *Behindertengleichstellungsgesetz (BGG)*

The Act on Equal Opportunities for Persons with Disabilities is the main law with regard to disability rights. Its aim is to “eliminate and prevent discrimination of people with disabilities and to ensure their equal participation in society and a self-determined life.”²⁸ Their specific needs must be taken into account.²⁹ It mostly binds public bodies, which also ought to ensure that

²⁰ *Behindertengleichstellungsgesetz [BGG]*, Apr. 27, 2002, BGBl. I at 1467, 1468, as amended, <https://perma.cc/X73H-67VA>.

²¹ *Bundesteilhabegesetz [BTHG]*, Dec. 23, 2016, BGBl. I at 3234, as amended, <https://perma.cc/6HGP-99ZH>.

²² *Barrierefreiheitsstärkungsgesetz [BFSG]*, July 16, 2021, BGBl. I at 2970, as amended, <https://perma.cc/R7QJ-CGYD>.

²³ *Sozialgesetzbuch Neuntes Buch – Rehabilitation und Teilhabe von Menschen mit Behinderungen [SGB IX]*, Dec. 23, 2016, BGBl. I at 3234, as amended, <https://perma.cc/DYC7-A939>.

²⁴ *Allgemeines Gleichbehandlungsgesetz [AGG]*, Aug. 14, 2006, BGBl. I at 1897, as amended, <https://perma.cc/VT8M-CZZ5> (original), <https://perma.cc/MT26-9NC4> (English translation, updated through Dec. 19, 2022).

²⁵ *BGG*, §§ 17, 18. For more information, see *English Information*, Federal Government Commissioner for Matters Relating to Persons with Disabilities, <https://perma.cc/L363-S23R>.

²⁶ *BGG*, § 18, para. 2.

²⁷ *AGG*, §§ 25, 27.

²⁸ *BGG*, § 1, para. 1.

²⁹ *Id.*

institutions, associations, and certain legal persons under private law take the objectives of this law adequately into account.³⁰ The Act on Equal Opportunities for Persons with Disabilities implements the constitutional equality clause, in particular by establishing a prohibition on discrimination of people with disabilities for public sector bodies and a duty to make public facilities accessible.³¹

The act explicitly mentions that the special needs of women with disabilities must be taken into account to ensure equality of men and women and to avoid their discrimination due to several reasons.³² Likewise, the law states that the needs of people with disabilities that might be discriminated against because of additional reasons listed in the General Act on Equal Treatment must be considered.³³

2. *Barrierefreiheitsstärkungsgesetz (BFSG)*

The Act to Enhance the Implementation of Accessibility transposes the European Accessibility Act (EAA), which establishes accessibility requirements for certain products and services, in particular in the information and communications technology sector.³⁴ Accessibility must be ensured starting on June 28, 2025. An ordinance sets out the specific accessibility requirements for such products and services.³⁵

3. *Sozialgesetzbuch IX*

Book IX of the Social Code (Rehabilitation and Participation of Persons with Disabilities) has been in force since July 1, 2001, but was significantly updated by the Federal Participation Act in 2016. It focuses on enabling and supporting people with disabilities to participate in society and exercise self-determination by granting them certain benefits.³⁶ The special needs of women and children with disabilities and of women and children at risk of a disability as well as of people with mental disabilities and at risk of a mental disability must be taken into account.³⁷

4. *Bundesteilhabegesetz (BTHG)*

The Federal Participation Act is a comprehensive act that amended several existing laws, in particular books of the Social Code as mentioned above to enable and support the participation and self-determination of people with disabilities. In particular, it integrated the integration assistance into the Social Code IX. Integration assistance “supports services that are suitable for

³⁰ Id. § 1, paras. 2, 3.

³¹ Id. §§ 7, 8.

³² Id. § 2, para. 1.

³³ Id. § 2, para. 2.

³⁴ European Accessibility Act, 2019 O.J. (L 151) 70, <https://perma.cc/F3NM-SGDY>.

³⁵ Verordnung zum Barrierefreiheitsstärkungsgesetz [BFSGV], June 15, 2022, BGBl. I at 928, <https://perma.cc/V75Y-4MKV>.

³⁶ SGB IX, § 1.

³⁷ Id. § 1, sentence 2.

eliminating or alleviating disabilities or their consequences. The aim is to give disabled people the opportunity to participate in social life.”³⁸ The benefits for integration assistance are divided into four areas as follows:

- social participation benefits,
- benefits for participation in working life,
- services for participation in education, and
- services for medical rehabilitation.³⁹

5. *Allgemeines Gleichbehandlungsgesetz (AGG)*

The objective of the General Act on Equal Treatment is to “prevent or to stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation.”⁴⁰ It is applicable in the private sector. In particular, it protects people against direct and indirect discrimination in employment relationships and in civil-law relations in general.

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

Germany does not have a publicly funded NLS-style library on a federal level. However, various state institutions as well as private non-profit organizations offer services to blind, visually impaired, and print-disabled people.⁴¹ In particular, the oldest and biggest state-sponsored institution is the German Center for Accessible Reading (Deutsches Zentrum für barrierefreies Lesen, dzb lesen).⁴² It is a public enterprise of the German state of Saxony and a subordinate institution of the Saxon State Ministry of Science and Art.⁴³ It was founded in 1894 and offers about 100,000 titles for loan, such as Braille books, audio books, films, and sheet music. It also

³⁸ *Integration Assistance*, Sozialplattform, <https://perma.cc/7KTG-4AJM>.

³⁹ *Id.*

⁴⁰ AGG, § 1.

⁴¹ See, for example, the North German Talking Book Library Association for Blind, Visually Impaired, and Print-Disabled People (Norddeutsche Hörbücherei e.V. für blinde, seh- und lesebehinderte Menschen), which offers on-demand production of talking books in DAISY format and is supported by the German states of Bremen, Hamburg, Lower Saxony, and Schleswig-Holstein. *Über uns*, Norddeutsche Hörbücherei e.V., <https://perma.cc/R59M-UVRQ>. The German Catholic Library for Barrier-Free Reading gGmbH (Deutsche Katholische Bücherei für barrierefreies Lesen gGmbH) lends and produces audio books in DAISY format and books in Braille with a focus on religious texts. See *Über uns*, Deutsche Katholische Bücherei für barrierefreies Lesen gGmbH, <https://perma.cc/SML8-UA27>.

⁴² *The German Centre for Accessible Reading*, dzb lesen, <https://perma.cc/M3NB-XYVH>.

⁴³ *Id.*

produces books in Braille, talking books, magazines, relief, and notes for large-print books and barrier-free e-books, among other things.⁴⁴

The libraries and associations in the German-speaking areas have organized themselves in the Media Association for Blind, Visually Impaired, and Print-Disabled People (Mediengemeinschaft für blinde, seh- und lesebehinderte Menschen e.V. (MediBuS)).⁴⁵

2. Public Legal Information

As mentioned, the Act on Equal Opportunities for Persons with Disabilities requires public sector bodies to treat people with and without disabilities equally and to ensure the equal participation of people with disabilities in society.⁴⁶ In particular, information must be made available barrier-free, including online information.⁴⁷ Public sector bodies must publish information on accessibility on their website.⁴⁸ The German Bundestag (parliament) is working to make all information on its website accessible and compatible with the Barrier-Free Information Technology Ordinance (Barrierefreie-Informationstechnik-Verordnung, BITV 2.0).⁴⁹

B. Right to Access to Justice

The Act on Equal Opportunities for Persons with Disabilities generally provides that all public facilities, such as courts, must be built so that they are accessible for people with disabilities.⁵⁰

In general, courts are obligated by the German Basic Law not only to offer nondiscriminatory treatment to people with and without disabilities, but also to apply the procedural rules in such a way that ensures effective access to justice for persons with disabilities on an equal basis with others.⁵¹ Persons with disabilities are awarded certain procedural accommodations, such as technical aids or a communications facilitator for hearing or speech-impaired persons for oral and written communications, the possibility for blind or visually impaired persons to submit pleadings and other documents to the court in a form accessible to them, and a right to demand that pleadings and other documents of court proceedings be made available to them in a barrier-

⁴⁴ Id.

⁴⁵ *Geschichte und Aufgaben*, Mediengemeinschaft für blinde, seh- und lesebehinderte Menschen e.V. [MediBuS], <https://perma.cc/DDJ5-SAWR>.

⁴⁶ BGG, § 7.

⁴⁷ Id. §§ 4, 12a.

⁴⁸ Id. § 12b.

⁴⁹ *Erklärung zur Barrierefreiheit*, Deutscher Bundestag, <https://perma.cc/ZA9J-S8UT>; *Barrierefreie-Informationstechnik-Verordnung [BITV 2.0]*, Sept. 12, 2011, BGBl. I at 1843, as amended, <https://perma.cc/6C2X-48E3>.

⁵⁰ BGG, §§ 4, 8.

⁵¹ GG, art. 3, para. 3; BVerfG, Nov. 27, 2018, docket no. 1 BvR 957/18, ECLI:DE:BVerfG:2018:rk20181127.1bvr095718, para. 3, <https://perma.cc/298V-DV6F>. See also Jenny Gesley, *Germany: Courts' Obligation to Accommodate Disability at Oral Argument Must Be Balanced Against Other Principles*, *Global Legal Monitor* (Jan. 16, 2019), <https://perma.cc/NV9W-ZBSU>.

free form.⁵² In addition, persons suffering from a speech disorder or a hearing impairment may choose to take the oath by repeating the words of the oath, by copying them and signing them, or by being assisted by a person enabling communication with such persons, whereby such assistant is to be involved by the court. The court must provide the suitable technical aids.⁵³ Furthermore, a *guardian ad litem* may be appointed for a person with disabilities when it is necessary to ensure the representation of their interests, such as when there is no oral hearing or when the object of the proceedings is the appointment of a custodian for the person with disabilities.⁵⁴

In criminal trials, victims of violent crimes may be provided with professional victim support services (psychosocial support).⁵⁵ Psychosocial support is “a special type of non-legal support for particularly vulnerable victims before, during, and after the main criminal trial. It includes information and qualified counseling and support for the whole criminal proceedings with the goal to reduce the individual burden of the victim and to avoid secondary victimization.”⁵⁶

In general, all information related to the pre-trial administrative procedures and trial must be provided in an accessible and barrier-free format.⁵⁷ Public bodies must communicate with people with mental disabilities and with people with emotional disabilities in an understandable and easy language.⁵⁸ Furthermore, forms from public bodies must be explained in an understandable and easy-language upon request.⁵⁹ People with disabilities have a right to communicate with public bodies in an administrative proceeding in German sign language, use sound-accompanying signs, or similar methods of communication.⁶⁰ If requested, public bodies must supply the appropriate communication aids free of charge.⁶¹ Lastly, public bodies must make all online information accessible and barrier-free.⁶²

⁵² Gerichtsverfassungsgesetz [GVG] May 9, 1975, BGBl. I at 1077, as amended, §§ 186, 191a, <https://perma.cc/2SR4-WMVS> (original), <https://perma.cc/8JL6-AR5X> (English translation, updated through Oct. 25, 2023).

⁵³ Zivilprozessordnung [ZPO], Dec. 5, 2005, BGBl. I at 3202; 2006 BGBl. I at 431; 2007 BGBl. I at 1781, as amended, § 483, <https://perma.cc/MUD5-2Z95> (original), <https://perma.cc/TR4G-TK87> (English translation, updated through Oct. 5, 2021).

⁵⁴ Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen Gerichtsbarkeit [FamFG], Dec. 17, 2008, BGBl. I at 2586, 2587, as amended, § 276, <https://perma.cc/R5LA-QBE2> (original), <https://perma.cc/9RTV-4R2K> (English translation, updated through Oct. 5, 2021).

⁵⁵ Strafprozeßordnung [StPO], Apr. 7, 1987, BGBl. I at 1074, 1319, as amended, § 406g, <https://perma.cc/8QRH-2BHG> (original), <https://perma.cc/8ZN2-ATHD> (English translation, updated through Mar. 25, 2022).

⁵⁶ Gesetz über die psychosoziale Prozessbegleitung [PsychPbG], Dec. 21, 2015, BGBl. I at 2525, 2529, as amended, § 2, <https://perma.cc/NLQ4-6ZFX>.

⁵⁷ BGG, § 4, § 10, para. 1.

⁵⁸ Id. § 11, para. 1.

⁵⁹ Id.

⁶⁰ Id. § 6, § 9, para. 1.

⁶¹ Id.

⁶² Id. § 12a.

Associations that represent the interests of people with disabilities may sue on their behalf and with their consent in administrative and social proceedings if their accessibility rights were violated.⁶³ Furthermore, such accredited associations may sue to establish that public bodies have violated the prohibition to discriminate or the duty to provide accessibility with regard to certain enumerated laws, online accessibility, or the right to use German sign language or other appropriate communication aids.⁶⁴ Likewise, the Social Code IX awards associations that represent the interests of people with disabilities the right to sue on their behalf and with their consent.⁶⁵

C. Right to Culture

In general, all public buildings, including cultural facilities, must be accessible.⁶⁶

The Federal Government Commissioner for Culture and the Media (Beauftragte der Bundesregierung für Kultur und Medien, BKM) supports the implementation of the Federal Act on Equal Opportunities for Persons with Disabilities in cultural facilities.⁶⁷ That includes, among others projects, supporting the organization “Network Culture and Inclusion” (Netzwerk Kultur und Inklusion), which discusses and fosters the practical implementation of the CRPD in the cultural sector and the arts.⁶⁸ Facilities may receive in-person advice on how to make their offers and facilities accessible.⁶⁹ The BKM supports this project with 140,000 euros (about US\$152,000) for the years 2023-2025.⁷⁰

Furthermore, receiving funding for a movie or a show is dependent on making an additional barrier-free version.⁷¹ Costs for the barrier-free version will be partially reimbursed by the BKM.⁷² Movie theaters may only receive funding if they make the barrier-free versions available in an appropriate and reasonable manner.⁷³

⁶³ Id. § 14.

⁶⁴ Id.

⁶⁵ SGB IX, § 85.

⁶⁶ BGG, § 4.

⁶⁷ *Inklusion in Kultur und Medien*, BKM, <https://perma.cc/X7H5-NC3H>. A list of other projects that are supported is available on the website of the BKM.

⁶⁸ *Netzwerk Kultur und Inklusion*, Netzwerk Kultur und Inklusion, <https://perma.cc/2BJS-C4QA>.

⁶⁹ *Inklusion und Barrierefreiheit*, Bundesakademie für Kulturelle Bildung, <https://perma.cc/H8AB-N9PQ>.

⁷⁰ BKM, *supra* note 67.

⁷¹ Id.; *Filmförderungsgesetz* [FFG], Dec. 23, 2016, BGBl. I at 3413, as amended, § 47, <https://perma.cc/3JKX-LX52>.

⁷² BKM, *supra* note 67; FFG, § 135, para. 1.

⁷³ FGG, § 47, para.1, sentence 2.

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The German government is currently preparing a draft bill to amend the Federal Act on Equal Opportunities for Persons with Disabilities, which is supposed to be adopted in the fourth quarter of 2024.⁷⁴ The reform would implement the goal set out in the coalition agreement of the governing parties to achieve accessibility in all areas of public and private life with regard to mobility, housing, healthcare, and in the digital sector.⁷⁵

⁷⁴ Bundestag: Drucksachen und Protokolle [BT-Drs.] 20/12862, at 71, no. 87, <https://perma.cc/85MA-RVAA>.

⁷⁵ Ottmar Miles-Paul, *Ist nun der Weg für die Reform des Behindertengleichstellungsgesetz frei?*, Kabinet Nachrichten (Aug. 20, 2024), <https://perma.cc/4QGF-7Z3C>. See also *supra* note 1.

India

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SUMMARY India is among the first countries to ratify the Convention on the Rights of Persons with Disabilities (CRPD) and also the first country to ratify the Marrakesh VIP Treaty. In India, the rights of person with disabilities is mainly regulated by the Rights of Persons with Disabilities Act, 2016. The Department of Empowerment of Persons with Disabilities (Divyangjan) is the main agency overseeing the development agenda for persons with disabilities (PwDs). The CRPD includes statutory rights of access to justice, culture, and recreation. The right of access to justice includes the obligation of government to ensure that all public documents are in accessible formats. The law also requires the government to provide access to information and communication technology. In 2015, the Department of Empowerment of Persons with Disabilities launched the Accessible India Campaign (Sugamya Bharat Abhiyan) as a nationwide campaign to achieve universal accessibility for PwDs.

I. Introduction

In India, a number of laws regulate the rights of disabled persons, chief among them, the Rights of Persons with Disabilities Act, 2016.¹ The Department of Empowerment of Persons with Disabilities (Divyangjan) operates under the Ministry of Social Justice & Empowerment with the aim “to facilitate empowerment and inclusion of the persons with disabilities,” and it “acts as a nodal agency to look after all development agenda of Persons with Disabilities.”² India also has an Office of the Chief Commissioner for Persons with Disabilities, which has the mandate to “take steps to safeguard the rights of persons with disabilities.”³

II. Legal Framework

A. Constitutional Protections

Part III of the Constitution of India guarantees fundamental rights that generally apply to person with disabilities including Article 14 on the right to equality before the law and equal protection of the law.⁴

¹ Rights of Persons with Disabilities Act, 2016, <https://perma.cc/HA47-B6HP>.

² *Vision/Mission*, Dep’t Empowerment of Persons with Disabilities, <https://perma.cc/6CS9-M55C>.

³ *About*, Off. Chief Commissioner for Persons with Disabilities, <https://perma.cc/959T-J2X7>.

⁴ Constitution of India, (as on 1st May, 2024), <https://perma.cc/8JMR-AB7F>.

Article 15(1) protects against discrimination on the grounds of religion, race, caste, sex or place of birth but does not explicitly accord protection against discrimination based on disability.⁵

Explicit mention of the rights of persons with disabilities are included in article 39A, concerning equal justice and free legal aid, and article 41, concerning the right to work, an education, and public assistance. Article 46 also states that “[t]he State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”⁶ However, it should be noted that these rights are “Directive Principles of State Policy” that must be realized over a period of time and are non-justiciable.⁷

B. International Obligations

According to the Indian government, “India is one of the few first countries which ratified” the Convention on the Rights of Persons with Disabilities (CRPD). It signed the Convention on March 30, 2007, and ratified it on October 1, 2007.⁸

On June 30, 2014, India became the first country to ratify the Marrakesh VIP Treaty (formally the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled).⁹ In 2001, India also adopted the UN Millennium Development Goals and “made a promise to free people from extreme poverty and multiple deprivations.”¹⁰

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

As noted in Section I, above, the main legal framework that governs the protection of the rights of persons with disabilities in India is the Rights of Persons with Disabilities Act, 2016 (“RPWD Act”), which replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.¹¹ One of the new law’s aims was bring India’s disability protection law in line with its international obligations under the CRPD.¹² The law is further

⁵ Id. art. 15. See also Anchal Bhateja, *People with Disabilities and the Need for a Radically Inclusive Constitution*, Deccan Herald (Feb. 20, 2022), <https://perma.cc/WAJ6-USDL>.

⁶ Id. art. 39A, 41, & 46.

⁷ National Human Rights Commission, *Rights of the Disabled 19* (2006), <https://nhrc.nic.in/sites/default/files/DisabledRights.pdf>.

⁸ UNCRPD, *Dep’t Empowerment of Persons with Disabilities*, <https://perma.cc/BN4H-F59V>.

⁹ Press Release, Permanent Mission of India, *Deposit of the Instrument of Ratification to the Marrakesh Treaty by India at WIPO on 30 June 2014* (June 30, 2014), <https://perma.cc/9T34-4NVB>.

¹⁰ India Women & Child Dev. Ministry, *India And The Millennium Development Goals (MDGS)*, <https://perma.cc/R8NB-P7PY>.

¹¹ *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995*, <https://perma.cc/6DRA-5HA4>.

¹² *A Primer on India’s Disability Law*, India Dev. Rev. (Apr. 18, 2024), <https://perma.cc/BQ4F-UA6G>.

implemented through the Rights of Persons with Disabilities Rules, 2017,¹³ and other regulations, guidelines, and standards.¹⁴

The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999,¹⁵ established the National Trust, which is a statutory body that works for the rights and welfare of persons with autism, cerebral palsy, mental retardation, and multiple disabilities. It does this through national schemes for “training, awareness and capacity building programmes and shelter, care giving & empowerment”¹⁶ and by the formation of local-level committees for the appointment of legal guardians.¹⁷

The Rehabilitation Council of India Act, 1992,¹⁸ established the Rehabilitation Council of India, which has a mandate to regulate and standardize training courses for rehabilitation professionals and promoting research in rehabilitation and special education.¹⁹

The Mental Health Act, 2017,²⁰ promotes and protects the rights of mental illness patients and improves access to mental healthcare and services for such patients.

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

The National Institute for the Empowerment of Persons with Visual Disabilities (Divyangjan) hosts the National Accessible Library,²¹ which accommodates the “reading interest of visually impaired persons, scholars, researchers & professionals working in the field of visual disability.” The library has three sections: Print Section, Braille Section, and Talking Book Section.²²

¹³ Rights of Persons with Disabilities Rules, 2017, Gazette of India pt. II § 3(i) (June 15, 2017), <https://perma.cc/GF9J-ZKRL>.

¹⁴ *Acts, Rules & Regulations*, Dep’t Empowerment of Persons with Disabilities, <https://perma.cc/U42X-VWCW>.

¹⁵ National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, <https://perma.cc/2NH8-PBAP>.

¹⁶ *National Trust*, Dep’t Empowerment of Persons with Disabilities, <https://perma.cc/W7NX-CYCH>.

¹⁷ *Id.*

¹⁸ Rehabilitation Council of India Act, 1992, <https://perma.cc/F4Q7-U93U>.

¹⁹ *Objectives*, Rehabilitation Council of India, <https://perma.cc/Q2DA-TT2H>.

²⁰ Mental Health Act, 2017, <https://perma.cc/9LAG-9H4P>.

²¹ *National Accessible Library*, Nat’l Inst. for Empowerment of Persons with Visual Disabilities (Divyangjan), <https://perma.cc/T8YY-H6WZ>.

²² *Id.*

2. Public Legal Information

Section 12 of the RPWD Act, 2016, establishes a statutory right of access to justice, which includes the following provision:

- (4) The appropriate Government shall take steps to –
- (a) ensure that all their public documents are in accessible formats;
 - (b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and
 - (c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.²³

Section 42 requires governments to provide access to information and communication technology.

42. Access to information and communication technology. – The appropriate Government shall take measures to ensure that, – (i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for every day use are available in universal design.²⁴

In 2015, the Department of Empowerment of Persons with Disabilities launched the Accessible India Campaign (Sugamya Bharat Abhiyan) as a nationwide campaign for “achieving universal accessibility for Persons with Disabilities (PwDs).”²⁵ This campaign includes “enhancing proportion of accessible and usable public documents and websites that meet internationally recognized accessibility standards.”²⁶ Public documents refer to all “documents issued by the national government as well as all subnational documents. They include all publications such as laws, regulations, reports, forms and informational brochures.”

In 2009, the Indian government established the *Guidelines for Indian Government Websites (GIGW)*, which are continuously updated and are in their third version.²⁷ These guidelines are based on international standards and guidelines and are implemented to make content more accessible for person with disabilities.

Web accessibility means that people with disabilities can also perceive, understand, navigate and interact with the Web and that they can contribute to the Web. It encompasses

²³ Rights of Persons with Disabilities Act, 2016, § 12.

²⁴ Id. § 42.

²⁵ *Accessible India Campaign*, Dep’t Empowerment of Persons with Disabilities, <https://perma.cc/BS2Y-AVNT>.

²⁶ Id.

²⁷ *Guidelines for Indian Government Websites and Apps (GIGW 3.0)*, <https://perma.cc/W7SY-4BK7>.

all disabilities that affect access to the Web, including visual, auditory, physical, speech, cognitive and neurological disabilities. The website/app should be designed and developed in such a way that they are accessible by all people, whatever may be their hardware, software, language, culture, location, or physical or mental ability.²⁸

In answer to a question in 2023, the minister of state for Electronics and Information Technology responded that

(iii) 95 websites of Central Government Ministries and Departments have been made accessible by the Ministry of Electronics and Information Technology (MeitY) under its Content Management Framework project.

(iv) the Department of Empowerment of Persons with Disabilities has informed that it has made 676 websites of various States and Union territories accessible under its Accessible India Campaign, in coordination with ERNET, an autonomous scientific society under MeitY.²⁹

The Parliament of India has established some initiatives to “ensure the inclusiveness of differently-abled persons and their participation in every activity on an equal basis with others,” and the Parliament Library has made facilities for braille, reader optical character recognition software, Indo non visual desktop access, and two printed publications of Lok Sabha Secretariat (*Practice and Procedure of Parliament* and *Directions by the Speaker Lok Sabha*) have been converted into audiobooks.³⁰

B. Right to Access to Justice

Section 12 of the RPWD Act, 2016, establishes a statutory right to access to justice.

12. Access to justice. – (1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities [e]specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987) shall make provisions including reasonable accommodation to ensure that persons with disabilities

²⁸ Id. at 25.

²⁹ Ministry of Electronics and Information Technology, Rajya Sabha Unstarred Question No. 2811 Accessibility To ICT For Disabled People (Mar. 24, 2023), <https://perma.cc/C4XC-GHLM>.

³⁰ Lok Sabha Secretariat, Rsch. & Info. Div., *Research Note on Making Parliamentary Work Accessible to Disabled People: Best Practice 6*, <https://perma.cc/HF4R-X2EW>.

have access to any scheme, programme, facility or service offered by them equally with others.³¹

The Legal Services Authorities Act, 1987,³² provides free legal aid for vulnerable sections of society, including persons with disabilities. Section 12 provides the criteria for the entitlement to legal aid and includes “a person with disability” as defined under the 2016 Act.³³ National Legal Services Authorities, the main statutory body that administers the free legal aid, has launched a Legal Services Mobile App on Android and iOS to “enable easy access to legal aid to common citizens including persons with disabilities.”³⁴

C. Right to Culture

Section 29 of the RPWD Act protects the right to culture and recreation.

29. Culture and recreation. – The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include, –

- (a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;
- (b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;
- (c) making art accessible to persons with disabilities;
- (d) promoting recreation centres, and other associational activities;
- (e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;
- (f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;
- (g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and
- (h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.³⁵

In 2022, the Madras High Court directed the state government to make tourist destinations in Tamil Nadu accessible for disabled persons, stating that “accessible tourism is integral for equal participation of persons with disabilities in recreation and cultural life, like the other persons.”³⁶

³¹ Rights of Persons with Disabilities Act, 2016, § 12.

³² Legal Services Authorities Act, 1987, <https://perma.cc/G792-D2NV>.

³³ Id. § 12(d).

³⁴ L. & Just. Ministry, *Legal Aid to the Disabled* (Apr. 7, 2022), <https://perma.cc/9CZJ-DATD>.

³⁵ Rights of Persons with Disabilities Act, 2016, § 28.

³⁶ K R Raja v. State of Tamil Nadu, 2022 SCC OnLine Mad 5473, <https://perma.cc/LXY2-MK5F>.

In 2023, the government of India issued sector-specific accessibility standards. The Ministry of Culture published standards for sites such as monuments, museums, and libraries,³⁷ and the Department of Sports issued guidelines on accessible sports complexes and residential facilities for sports for persons with disabilities.³⁸

Draft Accessible Tourism Guidelines for India were developed in 2022, but they have yet to be finalized.³⁹ They were developed to “achieve the larger aim of promoting accessible tourism for all and leaving no one behind.”⁴⁰ The draft guidelines contain 10 chapters, with the first chapter focused on introducing the concept of accessible tourism and the second chapter on the universal design approach to tourism. The following are some of the major objectives of the guidelines:

- a. To sensitise the diverse stakeholders of tourism sector towards accessibility and inclusion
- b. To understand the diverse needs of persons with disabilities and others as tourists through a prism of universal design.
- c. To provide specific recommendations for enhancing accessibility and inclusivity in diverse tourism typologies through a cross-sectoral approach.
- d. To evolve a guiding framework for accessibility in diverse areas of tourism.⁴¹

On November 8, 2024, the Supreme Court of India issued a landmark judgment.⁴² The high court held that Rule 15 of the Rights of Persons With Disabilities Rules, 2017, is ultra vires under the Rights of Persons with Disabilities Act, 2016 (RPDA), because the accessibility standards/guidelines issued under the provision are recommendations rather than mandates,⁴³ and that this “compromises the effective realisation of accessibility rights.”⁴⁴ The court also directed the central government to frame mandatory rules as required under Section 40 of the RPDA “for ensuring that public places and services [are] accessible to persons with disabilities.”⁴⁵

³⁷ Culture Sector Specific Harmonized Accessibility Standards/Guidelines, Gazette of India pt. II § 3(i) (July 14, 2023), <https://perma.cc/KX9E-P23R>.

³⁸ Guidelines on Accessible Sports Complex and Residential Facilities for Sports Persons with Disabilities by Department of Sports, Gazette of India pt. II § 3(i) (July 18, 2023), <https://perma.cc/JH2A-MHC2>.

³⁹ Memorandum from Rajesh Talwar, India Tourism Ministry, Circulating Draft *Accessible Tourism Guidelines for India 2022 (Tourism Guidelines)* (June 15, 2022), <https://perma.cc/9EEJ-ATAN>.

⁴⁰ Tourism Guidelines at 7.

⁴¹ Id.

⁴² *Rajive Raturi vs. Union of India & Ors*, Writ Petition (C) No. 243 of 2005 (Nov. 8, 2024), <https://perma.cc/X9AK-33W8>.

⁴³ Supreme Court in *Rajive Raturi Case Holds the Recommendatory Nature of Sectoral Accessibility Guidelines Under Rule 15 as Ultra Vires the RPWD Act. Grants 3 Months to UOI to Make Corrections in Consultation with Stakeholders, Disability Rights Through Courts* (Nov. 8, 2024), <https://perma.cc/3ETL-8HYU>.

⁴⁴ *Rajive Raturi vs. Union of India & Ors*, para. 49.

⁴⁵ *Disability Rights Through Courts*, supra note 42.

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

We were unable to find any current legislative proposals on access to information for persons with disabilities.

Israel

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SUMMARY Israel has comprehensive legislation on the protection and provision of access for persons with disabilities to a variety of services and information. There are specific requirements for adjustments that apply to the government’s physical and digital sites, to public libraries, and to facilities such as cultural and cinema halls, museums, and galleries.

In addition to government funded services in public libraries, an NLS-style NGO-funded library provides visually and reading impaired people access to literature and journalism, cinema, television, theater, and the visual arts.

Special procedures apply to the investigation and testimony of people with intellectual or mental disabilities.

I. Legal Framework

A. Constitutional Protections

Israel does not have one document as its written constitution. In accordance with a June 13, 1950, resolution, Israel’s constitution would be done in stages by the adoption of basic laws that would be incorporated into the state constitution.¹

To date, the Knesset (Israel’s parliament) has adopted 13 basic laws. In 1992 and 1994, respectively, the Knesset adopted two basic laws: the Basic Law: Human Dignity and Liberty² and the Basic Law: Freedom of Occupation.³ Both contain “limitation clauses” that provide rights accorded by these basic laws cannot be violated save by means of a law that corresponds to the values of the State of Israel, serves an appropriate purpose, and to the extent that it does not exceed what is required. In a 1995 landmark case, the Supreme Court declared that basic laws are superior to regular laws and that the Court may strike down Knesset statutes that are incompatible with the terms of the limitation clauses in the two basic laws from 1992.⁴

¹ Michael Starr, *Why Doesn't Israel Have a Constitution? The Origins of the Story*, JPOST (Feb. 3, 2023), <https://perma.cc/SQ29-QKHT>.

² Basic Law: Human Dignity and Liberty, SH 5752, No. 1391, p. 150, as amended, <https://perma.cc/9UUS-Y97V> (translation available at the Jewish Virtual Library).

³ Basic Law: Freedom of Occupation, SH 5754 No. 1454, p. 90, as amended, <https://perma.cc/U6JJ-TRHE> (translation available at the Jewish Virtual Library).

⁴ CA 6821/93 Bank Mizrahi v. Migdal Cooperative Village (decision rendered on Nov. 9, 1995), Supreme Court, State of Israel the Judicial Authority, <https://perma.cc/ZZH5-S53G>.

Although protections of persons with disabilities are not explicitly provided in the Basic Law: Human Dignity and Liberty, this basic law provides general protections to all persons for “life, body, and dignity,” and prohibits “violation of the life, body or dignity of any person as such.”⁵

B. International Obligations

Israel acceded to the Convention on the Rights of Persons with Disabilities⁶ in 2007 and ratified it in 2012.⁷ It also acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty) on March 21, 2016.⁸ The treaty went into force on September 30, 2016.⁹

Israel adopted the UN’s 2030 agenda for sustainable development in September 2015.¹⁰ The agenda calls on countries to begin efforts to achieve 17 Sustainable Development Goals (SDGs) over the next 15 years up to 2030. SDGs 4, 8, 10, 11 and 17 focus on persons with disabilities.¹¹

According to Israel’s Ministry of Environmental Protection,

[i]n June of 2018, the Prime Minister appointed a work team led by the Foreign Ministry and the Ministry of Environmental Protection to promote the assimilation of the SDGs in Israel. In July of 2019, the government approved a decision to assimilate the global sustainable development parameters in their plans. After passing the government decision, the minister of Environmental Protection presented the VNR (Voluntary National Review) in the UN.¹²

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

The Equal Rights for People with Disabilities Law, 5758-1998, [ERPDL] is a comprehensive legislation, the objective of which is

to protect the dignity and liberty of a person with disabilities, and to anchor that person’s right to equal and active participation in society in all areas of life, and to provide an appropriate response to that person’s special needs in a way that will enable that person

⁵ Basic Law: Human Dignity and Liberty, §§ 2 & 4.

⁶ Convention on the Rights of Persons with Disabilities, May 3, 2008, 2515 U.N.T.S. 3, <https://perma.cc/H2JE-VHWT>.

⁷ *Status of Ratification Interactive Dashboard*, OHCHR, <https://perma.cc/46N3-T3BB>.

⁸ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3164 U.N.T.S. 453, <https://perma.cc/NX5E-MJ8W>.

⁹ *WIPO-Administered Treaties: Contracting Parties Marrakesh VIP Treaty*, WIPO, <https://perma.cc/T8ZW-XM6J>.

¹⁰ *Sustainable Development Goals – SDGs*, Israel Ministry of Environmental Protection, <https://perma.cc/GV6Q-MXRG>.

¹¹ *Millennium Development Goals and Beyond 2015*, UN, <https://perma.cc/TBX6-MV5X>.

¹² *Id.*

to live his or her life with maximum independence, privacy and dignity, while maximizing that person's full ability.¹³

The ERPDL defines "a person with disabilities" as

a person with a physical, mental or intellectual disability, including cognitive, permanent or temporary, due to which his or her functioning is substantially limited in one or more of the main areas of life . . .¹⁴

The ERPDL recognizes the right of a person with disabilities to access public places and public services.¹⁵ It provides that,

6.(a) The realization of rights and provision of services to persons with disabilities shall be made –

- (1) while respecting human dignity and liberty and protecting his privacy;
- (2) within the framework of the services provided and intended for the general public, while making the necessary adjustments in the circumstances of the case as stated in this Law;
- (3) Regarding rights and services provided by a public body – of adequate quality, within a reasonable time and at a reasonable distance from the person's place of residence, all within the framework of the sources of funding available to the public body.¹⁶

The ERPDL requires the Minister of Justice to

prescribe provisions regarding the accessibility adjustments required, whether generally or for types of public services, in order to allow a person with disabilities reasonable accessibility; Regulations under this section shall include, inter alia, provisions regarding the accessibility of information produced in the framework of a public service, as well as regarding the installation of auxiliary devices and the provision of auxiliary services.¹⁷

For the purpose of implementation, the ERPDL provides that,

"Auxiliary devices and services" – including, but not limited to,

- 1) sign language interpreters or means adapted for people with hearing impairments, including writing, signage, transcription or use of amplification devices;
- 2) narrators, recorded texts, or devices adapted for persons with visual or learning disabilities, including writing in brail, relief or magnification;
- 3) communication boards, or other alternative means of communication;

¹³ Equal Rights for People with Disabilities Law, 5758-1998, as amended, §2, Nevo Legal Database, <https://perma.cc/TX68-DVG7> (in Hebrew, by subscription) (translation by author).

¹⁴ Id. § 5.

¹⁵ Id. § 19B.

¹⁶ Id. § 6.

¹⁷ Id. § 19L.(a).

- 4) adapting procedures, providing guidance, guidance and information in a language understandable to a person with intellectual or mental disabilities or to a person with autism, using existing personnel;
- 5) any additional means and services prescribed by the Minister of Justice by order¹⁸

II. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NSL-Style Library

The Equal Rights for People with Disabilities (Service Accessibility Adjustments) Regulations, 5773-2013 (regulations) require all public libraries as defined under the Public Libraries Law, 5735-1975,¹⁹ and “any other library open for non-specific public use,” to provide adjustments for accessibility to information in accordance with the requirements listed in the regulations.²⁰

Libraries that qualify under the regulations must maintain the following:

68. (a) (4) (a) electronic magnifying device (CCTV); However, a library whose average number of visits per year, in the 5 years preceding commencement, does not exceed 30,000, or a library in a locality with fewer than 20,000 inhabitants, shall be exempt from the provision of this aid;
 - (b) devices for playing recorded books with which sound format can be regulated as well as headphones;
 - (c) If the Library had computers for the personal use of visitors, magnification software and sound output software shall be installed on at least one computer, and headphones shall be provided for the use of the user;
- (5) At the request of a person with a disability, the [library subject to the regulations requirements] shall provide the person with the following auxiliary services:
 - (a) instruction in the use of auxiliary devices held in the Library;
 - (b) assistance in finding or carrying books, as applicable;
 - (c) providing the service using simple language and, in a manner, and way adapted to the person’s disability;
 - (d) any other reasonable auxiliary service, considering the person's disability, wishes and circumstances.

¹⁸ Id. § 19A.

¹⁹ Public Libraries Law, 5735-1975, as amended, SH 5735 No. 779 p. 230, as amended, available at Nevo Legal Database, <https://perma.cc/R2RL-FMX7> (in Hebrew, by subscription).

²⁰ Equal Rights for People with Disabilities (Service Accessibility Adjustments) Regulations, 5773-2013, KT 5773 No. 7240 p. 968, as amended, available at Nevo, <https://perma.cc/K23A-WF5P> (in Hebrew, by subscription).

68. (b) If an event is held in the library in front of an audience, the [library] shall make accessibility adjustments ...

68. (c) If the library operates regular classes and social activities for the public [it] shall provide accommodations ...²¹

2. NLS-Style NGO Funded Library

The Central Library for Blind and Reading Impaired People is a registered non-profit organization. According to its website, it has been operating for over 66 years, and “constitutes the largest and leading organization in the field of making culture accessible.”²² Accordingly,

[t]he Library provides access to all levels of culture: literature and journalism, cinema, television, theater and the visual arts. Additionally, the Library produces accessible cultural content that is available throughout Israel in various cinemas, theaters and on TV. We have reached a time when visually and reading impaired people who wish to enjoy culture can do so independently, even without Library membership. By creating this opportunity we encourage blind and visually impaired people to go out, to share cultural experiences with family, to interact with their surroundings and to participate in the social and cultural discourse in Israel.

The Library is innovative by international standards in that we provide a complete solution all under one roof. We open up a whole world of culture to our target audience, from production to service to supplying information about events, and we cooperate with municipal organizations that know the local community and help to spread our cultural message throughout the country. This is all done highly professionally.²³

3. Public Legal Information

Access to public information is protected under a number of regulations and procedures.

a. Accessibility to Information

The Service Accessibility Regulations require the provision of accessibility adjustments to information given to the public or individually about public services through the following means:

- (1) printing or handwriting, including writing on a computer;
- (2) accessible printing;
- (3) accessible printing using linguistic simplification, clear design and symbol as the case may be and according to the nature of the information;
- (4) a sound file (such as MP3), as a file on a CD DVD or other common media that can be played through sound software held by the service recipient who is a person with a

²¹ Id. reg. 68.

²² *Welcome*, Central Library for Blind and Reading Impaired People, <https://perma.cc/8GS3-AENR>.

²³ Id.

disability or via the Internet, within a reasonable time as applicable, but no later than three weeks after the submission of the request;

(5) in a sound file referred to in paragraph (4) using linguistic simplification within a reasonable time as the case may be, but not later than three weeks after the submission of the application;

(6) a digital file (such as plain text or PDF) that can be read out using reading software or can be converted to Braille using a printer or Braille monitor, within a reasonable time as applicable, but no later than three weeks after the submission of the application;

(7) by reading immediately upon submission of the application; If the information is written on more than 3 pages, the service provider may provide the reading at a time to be coordinated with the service recipient and no later than one week from the date of submission of the request;

(8) in Braille, within a reasonable time as the case may be, but not later than three weeks after the application is submitted;

(9) with the assistance of a fixed or portable hearing aid system or a personal audio amplification system used by the person with disabilities, as the case may be, and to the extent required by these regulations;

(10) Through a sign language translation service, by a person who is proficient in sign language, in one of the official languages spoken by the person with disabilities, excluding English, and if the following conditions are met:

(a) the information regarding which sign language translation is required, requires lengthy litigation and is of high importance to the affairs of the person with disabilities; For example, in financial or legal services;

(b) the request for the translation was submitted a reasonable time before the date of providing the information;

(11) through any auxiliary means or auxiliary service in which the person with disabilities is regularly assisted, with the assistance of a person who accompanies him and regularly assists him in communication, such as: translation into sign language by touch or the use of an instrumental glove customized for the person;

(12) For information provided orally to the public, appropriate language accommodations shall be provided, in accordance with the person's disability;

(13) A person assisted by personal means of supportive and alternative communication shall be provided with service or information about the service with the assistance of such means, including with the assistance of a person who accompanies him and regularly assists him in communication;

(14) Other reasonable accessibility adjustment.²⁴

In addition to the above listed methods, information provided to the public or individually about public services will be delivered, at the request of a person with disabilities, in a manner that will ensure access to information and receipt of relevant service, in consideration with the ability of the provider to provide additional accommodations as determined under the law.²⁵

²⁴ Equal Rights for People with Disabilities (Service Accessibility Adjustments) Regulations reg. 29 (d).

²⁵ Equal Rights for People with Disabilities (Service Accessibility Adjustments) Regulations reg. 29 (a-c); Equal Rights for People with Disabilities Law § 19C(a)(2).

b. Government Portal

According to an accessibility statement issued by the Israel National Digital Agency, Israel's government's portal, Gov.il, was designed with the aim of being accessible to everyone, including users with motoric disabilities, cognitive disabilities, vision impairment, blindness and color blindness, hearing impairment, and senior citizens.²⁶

The site meets Level AA of the international W3C Web Content Accessibility Guidelines (WCAG) 2.0,²⁷ and is in accordance with the Service Accessibility Regulations. Among the accessibility adjustments on the site are the following:

- navigation is simple and clear;
- content is written clearly and simply, and organized according to a logical hierarchy with explanations alongside the content where necessary;
- the site has been optimized for viewing on modern browsers;
- the site is viewable on multiple screens and resolutions;
- pages have a fixed structure;
- graphic elements have a textual alternative (alt);
- the site's font sizes can be changed by using ctrl and the mouse wheel; and
- the site does not use moving or blinking text.²⁸

B. Right to Access to Justice

The Investigation and Testimony Procedures Law (Adjustment for People with Intellectual or Mental Disabilities), 5766-2005, regulates the procedures that apply to investigation and interrogation of persons with mental and intellectual disabilities.²⁹

Among others, if the court finds that it is not possible to warn a witness because the witness is incapable, due to intellectual disability, of understanding the obligation to tell the truth, and if the court finds that the witness statement could contribute to the discovery of the truth, the law authorizes the court to forego warning a witness who is about to testify before the court. The law provides, however that a person cannot be convicted based on a single testimony received

²⁶ *Accessibility Declaration*, National Digital Framework, <https://perma.cc/FB4S-G5WQ>.

²⁷ *Web Content Accessibility Guidelines (WCAG) 2.0*, W3C, <https://perma.cc/5YRF-6GQS>.

²⁸ *Accessibility Declaration*, *supra* note 26.

²⁹ *Investigation and Testimony Procedures Law (Adjustment for People with Intellectual or Mental Disabilities)*, 5766-2005, SH 5766 No. 2038 p. 42, Nevo, <https://perma.cc/4JD8-ANNV> (in Hebrew, by subscription).

without warning, unless there is additional evidence to support it.³⁰ The court may also prohibit cross-examination of a person with intellectual disabilities by the accused.³¹

Special rules apply to testimony by persons with disabilities. According to the law, if the court determines that a testimony by a person with a disability is likely to harm that person or impair the testimony, it may order, on its own initiative or at the request of a litigant, under conditions prescribed, that the testimony be given in any one or more of the following ways:

- 1) not in the presence of the accused, but in the presence of the accused's defense attorney;
- 2) with the witness behind a curtain;
- 3) when the witness is not on the witness stand;
- 4) when the judge and lawyers are not dressed in court attire;
- 5) in the judge's chamber;
- 6) outside the courthouse;
- 7) using alternative or supportive means of communication, including the assistance of people, computer aids, communication boards, pictures, symbols, letters or words;
- 8) in the presence of a person accompanying the witness, even if the witness testifies behind closed doors;
- 9) in the presence of a qualified, court-approved consultant who could assist the party in conducting the interrogation of the witness, by, for example, offering the party an alternative version of the question, and warning the party of possible harm to the witness;
- 10) in any other manner determined by the court, on its own initiative or on the recommendation of the special investigator authorized under the law, provided that the court is convinced beyond a reasonable doubt that the manner prescribed does not cause a miscarriage of justice to the accused.³²

C. Right to Culture

According to the non-profit organization, Access Israel, persons with disabilities in Israel are entitled to access various places, including "restaurants and cafes, shops, cultural and cinema halls, swimming pools, hotels, schools and more."³³ Persons with disabilities are also entitled to access museums and galleries.³⁴

³⁰ Id. § 18.

³¹ Id. § 19(a).

³² Id. § 22.

³³ *Get to Know Your Accessibility Rights: Accessibility of Cultural and Cinema Halls*, Access Israel <https://perma.cc/7P72-H79W> (in Hebrew).

³⁴ *Get to Know Your Accessibility Rights: Accessibility of Museums and Galleries*, Access Israel, <https://perma.cc/Z729-LB6T> (in Hebrew).

The organization promotes accessibility to improve the quality of life and integration of disabled people and their families in Israel. On May 25, 2016, the organization was granted the status of special adviser to the UN's Economic and Social Committee (ECOSOC), the UN's leading forum of economic and social policy in many countries around the world.³⁵

1. *Access to Cultural and Cinema Halls*

The Access Israel website lists the following requirements that apply to access of cultural venues and cinema halls by persons with disability under Israeli law:

1. Accessible parking spaces.
2. A ticket office accessible and adapted for wheelchairs, including an induction loop and intercom for the hearing impaired.
3. Accessible entrance.
4. Accessible aisles.
5. Stairs in the hall with handrails.
6. Disabled toilets.
7. Accessible and lowered buffets including a cash register with an induction loop.
8. Seating adapted for wheelchairs at a comfortable viewing angle.
9. A permanent assistive system for the benefit of the hearing impaired.
10. When screening movies, subtitle must be displayed.
11. Detailed publication of accessibility arrangements, details of the accessibility coordinator and means of communicating with him on the website.
12. Call center with no background music.
13. Allow guide dogs and service animals to enter.³⁶

2. *Access Museums and Galleries*

Museums and galleries must be accessible to persons with disabilities in terms of parking, access roads, disabled toilets, and signage. Such venues must comply with the following requirements:

1. enable enlarged display of images, photographs, and drawings and information about them either by computer or electronic tower or enlarged picture or browsing for the benefit of people with visual impairment;
2. provide a description of the exhibits and information about them in a slow pace recording and simple language or oral description by an escort;
3. allow access to audio information contained in the exhibits by an assistive hearing system and subtitles;

³⁵ Access Israel Organization Was Granted the Status of a 'Special Adviser' to the UN's Economic and Social Committee!, Access Israel, <https://perma.cc/9Z7Q-UTHL>.

³⁶ Get to Know Your Accessibility Rights: Accessibility of Cultural and Cinema Halls, *supra* note 32.

4. allow patrons to feel central three-dimensional exhibits if possible without creating damage - for exhibitions lasting over three years, a tactile model should accompany the exhibit;
5. ensure that table installations are 110 cm high, convenient for viewing for people in wheelchairs and low stature; and
6. provide that signs next to the exhibits are accessible.³⁷

III. Current Legislative Proposals on Access to Information for Persons with Disabilities

Israeli legislation on access to persons with disabilities appears to be comprehensive and there do not appear to be additional measures to facilitate access currently.

³⁷ Get to Know Your Accessibility Rights: Accessibility of Museums and Galleries, *supra* note 33.

Italy

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SUMMARY Italy's Constitution does not contain an express provision regarding the rights of disabled persons. Italy has ratified the UN Convention on the Rights of Persons with Disabilities of 2006 and its Optional Protocol of 2006. Since the enactment of the Civil Code in 1942, domestic legislation has included provisions aimed at protecting the situation of persons affected by disabilities. Between 1992 and 2021, five pieces of legislation have modernized and updated the legal protections afforded to disabled persons in Italy, including those seeking refuge in the country. These laws touch upon multiple aspects of the personal and societal facets of disabled persons, including access to means of communication, educational opportunities, culture, information, physical facilities, and the justice system. Also, since 2008, at least seven legislative bills dealing with handicapped persons have been submitted to the Italian Parliament. Finally, in 2016, Italy issued its "First Alternative Report of the Italian Disability Forum to the UN Committee on the Convention on the Rights of Persons with Disabilities," containing several relevant proposals to amend Italy's legislative and regulatory framework affecting disabled persons.

I. Legal Framework

A. Constitutional Protections

The Italian Constitution does not contain specific provisions mentioning persons with disabilities, but it is the general understanding of the Italian legal system that the fundamental constitutional principles regarding the recognition of the rights of equal opportunities and non-discrimination apply to disabled persons, in particular based on constitutional language providing that, "[a]ll citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions."¹

B. International Obligations

Italy authorized the ratification of the United Nations Convention on the Rights of Persons with Disabilities of December 13, 2006,² and its Optional Protocol of December 13, 2006³ through Law No. 18 of March 3, 2009.⁴

¹ Costituzione della Repubblica Italiana, art. 3, ¶1, <https://perma.cc/TYV3-2YFG>; <https://perma.cc/3Y5G-RC9P> (unofficial English translation with amendments through 2012.)

² Convention on the Rights of Persons with Disabilities [Convention], Dec. 13, 2006, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

³ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2518 U.N.T.S. 283, <https://perma.cc/H8V4-CJKY>.

⁴ Legge 3 marzo 2009, n. 18 Ratifica ed Esecuzione della Convenzione delle Nazioni Unite sui Diritti delle Persone con Disabilità, con Protocollo Opzionale, fatta a New York il 13 Dicembre 2006 e Istituzione dell'Osservatorio Nazionale sulla Condizione delle Persone con Disabilità, <https://perma.cc/CWS8-CNVC>.

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

Italy's legal system has since long provided for the rights of disabled persons. In effect, the Civil Code of 1942 contains measures on the protection of people who are completely or partially deprived of autonomy.⁵

Since 1992, five legal enactments have directly addressed the situation of disabled persons.

1. *Law No. 104 of 1992, n. 104, Framework Law for Assistance, Social Integration and Rights of Handicapped Persons*

a. Right to Education and Instruction

Law No. 104 guarantees the admission to nursery schools of disabled children up to 3 years of age.⁶ The right to education and instruction of disabled persons is further guaranteed by a provision in the law stating that they must attend integrated classes at educational institutions of all levels and in university institutions.⁷

School integration aims to develop the potential of the disabled person in learning, communication, relationships, and socialization.⁸

The exercise of the right to education cannot be impeded by learning difficulties or other difficulties arising from disabilities connected to the disabled person.⁹

b. Professional Formation

Per Law No. 104, the Italian regions must implement measures ensuring the inclusion of disabled persons in ordinary vocational training courses administered by public and private educational entities.¹⁰

Persons subject to compulsory educational placement also include those affected by a mental impairment who have a working capacity allowing them to be employed in suitable tasks, as ascertained by the competent authorities.¹¹

Disabled persons must take exams in public competitions with the use of the necessary aids while enjoying any additional time that may be needed per the specific disability.¹²

⁵ Codice Civile, Regio Decreto 16 marzo 1942, n. 262, arts. 404 & 432 (updated through Aug. 8, 2024), <https://perma.cc/TT5J-KLLR>.

⁶ Legge 5 febbraio 1992, n. 104, Legge-quadro per l'Assistenza, l'Integrazione Sociale e i Diritti delle Persone Handicappate, art. 12.1, <https://perma.cc/UW4X-PA5R>.

⁷ Id. art. 12.2.

⁸ Id. art. 12.3.

⁹ Id. art. 12.4.

¹⁰ Id. art. 17.1.

¹¹ Id. art. 19.1.

¹² Id. art. 20.1.

c. Construction Measures for the Benefit of Seriously Handicapped Persons

The approval of building projects submitted by public or private entities concerning properties to be used for residential communities and socio-rehabilitation centers, with a destination restriction of at least 20 years for the actual use of the property, constitutes a variant of the master plan that must contain arrangements for disabled persons.¹³

d. Elimination or Overcoming of Architectural Barriers

The law calls for the elimination of all architectural barriers existing in public and private buildings open to the public and likely to limit accessibility by disabled persons.¹⁴ To that effect, developers must include in their respective projects specific measures that are subject to stringent approval criteria from zoning and building authorities.¹⁵

In addition, the law also seeks to remove obstacles to the exercise of sports, tourism, and recreational activities by disabled persons.¹⁶ To that effect, the regions and municipalities, and the Italian National Olympic Committee, must implement measures for the elimination of architectural barriers allowing accessibility and usability of sports facilities by disabled persons.¹⁷

e. Mobility and Public Transportation

Per Law No. 104, regions must direct municipalities to implement measures allowing disabled persons the possibility of moving freely within the territory, using, under the same conditions as other citizens, specially adapted public transportation services or alternative services.¹⁸

f. Exercise of the Right to Vote

During elections, municipalities must organize public transportation services for disabled voters to reach polling stations.¹⁹

A trusted companion must accompany disabled citizens who are unable to exercise their right to vote independently while in the booth.²⁰ No voter may act as a companion for more than one disabled person, and a special annotation on the companion's electoral certificate must be made by the president of the respective polling station.²¹

¹³ Id. art. 10.6.

¹⁴ Id. art. 24.1.

¹⁵ Id. art. 24.3.

¹⁶ Id. art. 23.1.

¹⁷ Id. art. 23.2.

¹⁸ Id. art. 26.1.

¹⁹ Id. art. 29.1.

²⁰ Id. art. 29.3.

²¹ Id. art. 29.3.

g. Participation in Social Activities

Italian regions must design programs for the promotion and protection of the rights of disabled people, including forms of consultation that guarantee their participation in societal projects.²²

2. *Law No. 6 of 2004, Establishment of the Support Administration*

The purpose of Law No. 6 of 2004²³ is to protect persons who are totally or partially deprived of autonomy, with the least possible limitation of their capacity to act, in their daily life.²⁴ This includes adults and emancipated minors who have habitual mental infirmity that renders them incapable of providing for their own interests.

Persons who, as a result of an infirmity or a physical or mental impairment, are unable, either partially or temporarily, to provide for their own interests are judicially declared interdicted to ensure their protection,²⁵ and the respective guardianship judge appoints a support administrator for their benefit.²⁶

In such cases, the disabled person retains the capacity to act in all acts not requiring exclusive representation or the necessary assistance of the support administrator.²⁷ Acts unlawfully carried out by the support administrator, or that exceed his or her powers, may be annulled upon request of the public prosecutor, the disabled person, or his or her heirs and assigns.²⁸

3. *Law No. 18 of 2009 on the National Observatory on the Condition of Persons with Disabilities*

Law No. 18 of March 3, 2009, created the National Observatory on the Condition of Persons with Disabilities,²⁹ which, among other tasks, promotes the implementation of the UN Convention on the Rights of Persons with Disabilities and the preparation of the detailed

²² Id. art. 30.1.

²³ Legge 9 gennaio 2004, n. 6 Introduzione nel Libro Primo, Titolo XII, del Codice Civile del Capo I, relativo all'Istituzione dell'Amministrazione di Sostegno e Modifica degli Articoli 388, 414, 417, 418, 424, 426, 427 e 429 del Codice Civile in materia di Interdizioni e di Inabilitazione, nonché relative Norme di Attuazione, di Coordinamento e Finali, <https://perma.cc/6GLN-KPSL>.

²⁴ Id. art. 1. 1.

²⁵ Id. art. 4.2, substituting art. 414 of the Civil Code.

²⁶ Id. art. 3. 1, amending art. 404 of the Civil Code.

²⁷ Id. art. 3. 1, amending art. 409, para. 1 of the Civil Code.

²⁸ Id. art. 3. 1, amending art. 412, para. 1 of the Civil Code.

²⁹ *Home page*, Osservatorio Nazionale sulla Condizione delle Persone con Disabilità: Presidenza del Consiglio dei Ministri, <https://perma.cc/8E57-57YZ>.

report on the measures adopted by Italy in its compliance.³⁰ Italy submitted its first report to the UN in November 2012.³¹

4. *Law No. 107 of 2010, Measures for the Recognition of the Rights of Deafblind Persons*

Law No. 107 of 2020³² aims to recognize deafblindness as a unique specific disability, on the basis of the guidelines contained in the written declaration on the rights of deafblind persons issued by the European Parliament on April 12, 2004.³³

Deafblind persons are defined as those who are distinctly recognized as having both disabilities, on the basis of Italian legislation applicable to civil deafness and civil blindness.³⁴

Deafblind persons receive social security benefits provided by the National Social Security Institute (INPS).³⁵ Welfare and job placement benefits already recognized by current legislation for deafblind persons continue to apply.³⁶

Individual projects aimed at deafblind persons must consider specific support measures necessary for their social integration.³⁷

Regions may identify specific forms of specific assistance to deafblind persons, in particular regarding personalized support through communication guides and interpreters.³⁸

³⁰ Convention, art. 35 - Reports by States Parties.

Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

The Committee shall decide any guidelines applicable to the content of the reports.

A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

³¹ Primo Rapporto Alternativo del Forum Italiano sulla Disabilità al Comitato delle Nazioni Unite sulla Convenzione sui Diritti delle Persone con Disabilità, Forum Italiano sulla Disabilità (18 Gennaio, 2016) [Report], <https://perma.cc/P6VX-3J3R>.

³² Legge 24 giugno 2010, n. 107, Misure per il Riconoscimento dei Diritti delle Persone Sordocieche [Law No. 107], <https://perma.cc/M5ZG-PZWX>.

³³ Id. art. 1.1.

³⁴ Id. art. 2.2.

³⁵ Id. art. 2.1.

³⁶ Id. art. 2.4.

³⁷ Id. art. 4.1.

³⁸ Id. art. 5.1.

5. *Law No. 227 of 2021, on Delegation of Powers to the Government Concerning Disabilities*

a. Scope of the Delegation of Powers

Law No. 227 of 2021³⁹ delegates powers to the government for the adoption of the “2021-2030 Strategy for the Rights of Disabled Persons,”⁴⁰ in order to ensure that these persons obtain recognition of their condition, allowing them the full exercise of their civil and social rights, including the right to independent living, full social and work inclusion, effective access to all types of services, and promoting their autonomy and living based on equal opportunities with others, in compliance with the principles of self-determination and non-discrimination.⁴¹

The law also directs the government to issue legislative decrees, which are to be transmitted to parliament,⁴² with the prior collaboration of the regions and local authorities, and the support of the National Observatory on the Condition of People with Disabilities.⁴³ Such legislative decrees are to include the following aspects:

- a definition of the condition of disability;⁴⁴
- an assessment of the disability condition and review of its basic evaluation processes;⁴⁵
- a multidimensional assessment of disability, and the creation of an individual, personalized and participatory life project;⁴⁶
- the computerization of evaluation and archiving processes;⁴⁷
- the redevelopment of public services in terms of inclusion and accessibility for disabled persons;⁴⁸
- the establishment of a National Guarantor for Disabilities;⁴⁹ and
- a strengthening of the Office for Policies in Favor of Persons with Disabilities, established by the presidency of the Council of Ministers.⁵⁰

³⁹ Legge 22 dicembre 2021, n. 227 Delega al Governo in Materia di Disabilita' [Law No. 227], <https://perma.cc/CPQ3-3UST>.

⁴⁰ Strategy for the Rights of Persons with Disabilities, European Union, <https://perma.cc/6725-EAN8> (“strategy aims to improve the lives of persons with disabilities in the decade 2021-2030. It states that the objectives can only be reached through coordinated action at both the national and the EU levels, with a strong commitment from Member States and regional and local authorities to deliver on the actions proposed by the European Commission”).

⁴¹ Law No. 227, art. 1.1.

⁴² Id. art. 1.2.

⁴³ Id. art. 1.3.

⁴⁴ Id. art. 1.5(a).

⁴⁵ Id. art. 1.5(b).

⁴⁶ Id. art. 1.5(c).

⁴⁷ Id. art. 1.5(d).

⁴⁸ Id. art. 1.5(e).

⁴⁹ Id. art. 1.5(f).

⁵⁰ Id. art. 1.5(g).

b. Principles and Guidelines for the Delegation

Guiding criteria for the delegated legislation must include, among others, the following:

- the definition of “disability” must be consistent with the UN Convention on the Rights of Persons with Disabilities;⁵¹
- adoption of the International Classification of Functioning, Disability and Health (ICF), approved by the 54th World Health Assembly on May 22, 2001, and the related technical-operational assessment tools, for the purposes of describing and analyzing disability and health, together with the version adopted in Italy of the International Classification of Diseases (ICD) of the World Health Organization;⁵²
- a guarantee of the multidimensional assessment of disability and the implementation of an individual, personalized, and participatory life project;⁵³
- a provision that the life project is aimed at achieving the objectives of the disabled person according to their wishes and expectations, improving their personal and health conditions and quality of life, and identifying the barriers and facilitators affecting life contexts while respecting the principles established by the UN Convention on the Rights of Persons with Disabilities;⁵⁴
- ensuring the adoption of reasonable accommodations necessary to allow the effective identification and expression of the disabled person’s preferences, even when subject to a legal protection measure or while in need of very high intensity support;⁵⁵
- ensuring that the life project also involves third sector entities, through forms of co-programming and co-design;⁵⁶
- a provision that the life project ensures the overcoming of marginalization conditions and the enjoyment, on an equal basis with others, of fundamental rights and freedoms through reasonable accommodation;⁵⁷
- that implementation of the life project includes the intervention of professionals to oversee its implementation;⁵⁸
- a provision for the participation of representatives of the associations of disabled persons in the formation of the life plan’s strategic planning;⁵⁹

⁵¹ Id. art. 2.2(a)(1).

⁵² Id. art. 2.2(a)(2).

⁵³ Id. art. 2.2(c). A “life project” has been defined as “a system composed of multiple procedures, recommendations and indications oriented to promoting changes in the lives of people with disabilities.” *Progetto di Vita Individuale, Personalizzato e Partecipato* (ANFFAS NAZIONALE), at 6, <https://perma.cc/RG7B-NYK8>.

⁵⁴ Id. art. 2.2(c)(5).

⁵⁵ Id. art. 2.2(c)(6).

⁵⁶ Id. art. 2.2(c)(8).

⁵⁷ Id. art. 2.2(c)(10).

⁵⁸ Id. art. 2.2(c)(11).

⁵⁹ Id. art. 2.2(e)(2).

- a provision for the appointment of a person responsible for integrating disabled persons into the workplace, while guaranteeing reasonable accommodations;⁶⁰
- regarding the establishment of a National Guarantor for Disabilities:⁶¹
 - ensuring that the Guarantor is constituted as an independent and collegial body, competent for the protection and promotion of the rights of disabled persons;⁶²
 - reception of complaints from disabled persons who report discrimination or violations of their rights;⁶³
 - monitoring of compliance with the rights, rules and principles established by the UN Convention on the Rights of Persons with Disabilities, the Constitution, and national laws and regulations;⁶⁴
 - performance of reviews, also *ex officio*, on the existence of discriminatory phenomena and requesting from public services concessionaires the information necessary for carrying out its functions;⁶⁵
 - promotion of a culture of respect for the rights of disabled persons;⁶⁶ and
 - the transmission of an annual report on its activities to the parliament and the president of the Council of Ministers.⁶⁷

II. Rights of Persons with Disabilities

A. Right to Information

Law No. 104 of 1992 establishes a fundamental principle concerning disabled persons, which is the guarantee of full respect for their human dignity, freedom, and autonomy, and the promotion of their complete integration into the family, school, work, and society.⁶⁸

A disabled person is defined in the law as “someone who has a physical, mental, or sensorial impairment, whether stable or progressive, which causes difficulties in learning, relating, or integrating into the workplace, and which determines a process of social disadvantage or marginalization.”⁶⁹

⁶⁰ Id. art. 2.2(e)(6).

⁶¹ Id. art. 2.2(f).

⁶² Id. art. 2.2(f)(1).

⁶³ Id. art. 2.2(f)(2.1).

⁶⁴ Id. art. 2.2(f)(2.2).

⁶⁵ Id. art. 2.2(f)(2.3).

⁶⁶ Id. art. 2.2(f)(2.5).

⁶⁷ Id. art. 2.2(f)(2.6).

⁶⁸ Law No. 104, art. 1.1(a).

⁶⁹ Id. art. 3.1.

This law also applies to foreigners and stateless persons, and to persons considered residents, domiciled, or having a stable abode in the Italian national territory.⁷⁰

The social integration of disabled persons must be carried out through the following objectives:⁷¹ (a) promote permanent initiatives for information and participation of the population;⁷² and (b) incentivize the overcoming of all forms of marginalization and social exclusion.⁷³

Under Law No. 104 of 1992, the inclusion and social integration of disabled persons is achieved through, among other aspects:⁷⁴ (a) measures aimed at ensuring access to public and private buildings and at eliminating or overcoming physical and architectural barriers that hinder movement in public places or places open to the public;⁷⁵ (b) measures that make the right to information and the right to study of the disabled person effective, with particular reference to teaching and technical equipment, programs, specialized languages, evaluation tests, and the availability of specially qualified teaching and non-teaching personnel;⁷⁶ (c) adaptation of equipment and personnel of educational, sports, leisure, and social services;⁷⁷ (d) measures aimed at promoting full integration into the workplace;⁷⁸ and (e) organization of extracurricular activities to integrate and extend educational activities outside the classroom.⁷⁹

Also, per Law No. 104, telecommunication concessionaires must adopt measures promoting access of disabled persons to radio and television information and telephone communications, through the installation of appropriate equipment.⁸⁰ The renewal of concessions is conditioned upon compliance with this requirement.⁸¹

B. Right to Access to Justice

Law No. 67 of 2006⁸² contains measures for the judicial protection of persons with disabilities who are victims of discrimination.

⁷⁰ Id. art. 3.4.

⁷¹ Id. art. 5.1.

⁷² Id. art. 5.1(i).

⁷³ Id. art. 5.1(m).

⁷⁴ Id. art. 8.1.

⁷⁵ Id. art. 8.1(c).

⁷⁶ Id. art. 8.1(d).

⁷⁷ Id. art. 8.1(e).

⁷⁸ Id. art. 8.1(f).

⁷⁹ Id. art. 8.1(m).

⁸⁰ Id. art. 25.1.

⁸¹ Id. art. 25.2.

⁸² Legge 1 marzo 2006, n. 67 Misure per la Tutela Giudiziaria delle Persone con Disabilita' Vittime di Discriminazioni, <https://perma.cc/2675-3FH5>.

1. *Scope of Application*

Law No. 67 seeks to fully promote the principle of equal treatment and opportunity for disabled persons, to guarantee them the full enjoyment of their civil, political, economic, and social rights.⁸³

2. *Application of EU Legislation in Cases of Discrimination Against Disabled Persons*

Law No. 67 provides that Legislative Decree No. 216 of 2003,⁸⁴ implementing EU Directive 2000/78/EC of November 27, 2000, Establishing a General Framework for Equal Treatment in Employment and Occupation,⁸⁵ covers cases of at-work discrimination against disabled persons, as well as cases involving access to work.⁸⁶

3. *Concept of Discrimination*

The principle of equal treatment prohibits discrimination against disabled persons.⁸⁷ Direct discrimination occurs when, for reasons related to disability, a person is treated less favorably than a non-disabled person in a similar situation is, has been, or would be treated.⁸⁸

Indirect discrimination takes place when a provision, criterion, practice, act, agreement, or apparently neutral behavior puts a disabled person in a disadvantageous position compared to other persons.⁸⁹ Discrimination also exists in cases of harassment, or any unwanted behavior, carried out for reasons related to disability, which violates the dignity and freedom of disabled persons, or creates a climate of intimidation, humiliation, and hostility towards them.⁹⁰

4. *Judicial Protection*

Judicial protection against discriminatory acts and conducts is regulated by Legislative Decree No. 286 of 1998.⁹¹

Courts may award disabled plaintiffs compensatory and also non-pecuniary damages, or order the cessation of the discriminatory behavior, conduct, or act, and adopt any other

⁸³ Id. art. 1.1.

⁸⁴ Decreto Legislativo 9 luglio 2003, n. 216 Attuazione della Direttiva 2000/78/CE per la Parità di Trattamento in Materia di Occupazione e di Condizioni di Lavoro, <https://perma.cc/A7DA-9USB>.

⁸⁵ Council Directive 2000/78/EC of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation, <https://perma.cc/3KR4-DK8H>.

⁸⁶ Law No. 67, art. 1.2.

⁸⁷ Id. art. 2.1.

⁸⁸ Id. art. 2.2.

⁸⁹ Id. art. 2.3.

⁹⁰ Id. art. 2.4.

⁹¹ Id. art. 3.1, referring to Decreto Legislativo 25 luglio 1998, n. 286, Testo Unico delle Disposizioni concernenti la Disciplina dell'Immigrazione e Norme sulla Condizione dello Straniero [L. D. No. 286 of July 25, 1998, <http://perma.cc/DF6Y-ZFS3>].

measure necessary to remove the effects of the discrimination, including the implementation of a plan to remove the alleged discriminatory acts.⁹²

5. *Standing*

The Ministry for Equal Opportunities and the Ministry of Labor and Social Policies are tasked with identifying associations and entities that may intervene in proceedings for damages suffered by disabled persons, including the filing of administrative appeals for the annulment of acts harmful to them.⁹³

Additionally, concerning criminal proceedings involving disabled persons, Law No. 104 provides that the Ministries of Justice, of the Interior, and of Defense must regulate methods that consider particular therapeutic and communication needs to protect disabled persons during criminal judicial proceedings and in the places of preventive detention and sentence serving.⁹⁴

C. Right to Culture

Law No. 633 of 1941 implemented EU Directive 2001/29 / EC on the harmonization of certain aspects of copyright and related rights in the information society,⁹⁵ in particular permitting uses of certain works and other material protected by copyright and related rights for the benefit of blind people, people with visual disabilities, or others difficulties in reading printed texts.⁹⁶

Law No. 633 defined “authorized entity” as

a public or private entity, recognized or authorized according to the regulations in force to provide to beneficiaries with non-profit education, training, and the possibility of adapted reading or access to information. This category also includes public bodies or non-profit organizations that provide beneficiaries with education, training, adapted reading or access to information as their primary activity, institutional obligation or as part of their public interest missions.⁹⁷

The following are the main authorized entities and services currently operating in Italy for purposes of EU Directive 2001/29/EC:

⁹² Id. art. 3.3.

⁹³ Id. art. 4.2.

⁹⁴ Id. art. 37.1.

⁹⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society, <https://perma.cc/4LUZ-4ZSF>.

⁹⁶ Legge 22 aprile 1941, n. 633 Protezione del Diritto d'Autore e di Altri Diritti Connessi al Suo Esercizio [Law No. 633], art. 71-bis, <https://perma.cc/F2FR-AY3V>.

⁹⁷ Id. art. 71-bis(2-sexies).

- Biblioteca Italiana per ciechi "Regina Margherita" Onlus;⁹⁸
- Unione Italiana Ciechi - sez. territoriale Rieti;
- Aurelio Nicolodi S.C.S. a R.L.;
- Associazione Amici del Libro Parlato per i Ciechi d'Italia – Robert;⁹⁹
- Hollman - del Lions Club di Verbania – ONLUS;
- Puntidivista Soc. Coop. a r.l.;¹⁰⁰
- Puntidivista Libri in nero Braille;¹⁰¹
- ABC Irifor del Trentino Cooperativa Sociale;
- Centro Internazionale del Libro Parlato Associazione Onlus;¹⁰²
- Centro Internazionale del Libro Parlato Associazione Onlus: Riviste;¹⁰³
- Unione Italiana dei Ciechi e degli Ipovedenti Ascoli Piceno e Fermo;¹⁰⁴
- Centro Braille San Giacomo Soc. Coop. Soc.;¹⁰⁵
- Società Cooperativa Sociale Onlus Louis Braille;
- I.RI.FO.R. Onlus Toscana;
- Università degli Studi di Torino;
- ASP S. Alessio - Margherita di Savoia;
- Stamperia Regionale Braille Onlus;¹⁰⁶
- Unione Italiana dei Ciechi e degli Ipovedenti Onlus Aps – Sezione;
- Territoriale di Teramo;
- Unione Italiana Ciechi e Ipovedenti Centro Regionale Trascrizione; and
- Braille UICI CRTB Campania.

⁹⁸ *Chi Siamo*, Biblioteca Italiana per ciechi "Regina Margherita" Onlus, <https://perma.cc/WY6M-3WUJ>.

⁹⁹ *Opere Scelte*, Associazione Amici del Libro Parlato per i Ciechi d'Italia - Robert Hollman - del Lions Club di Verbania – ONLUS, <https://perma.cc/W7VJ-66JB>.

¹⁰⁰ *Libri in Simboli*, Puntidivista Soc. Coop. a r.l., <https://perma.cc/4WVM-U4KJ>.

¹⁰¹ *Libri in nero Braille*, Puntidivista Soc. Coop. a r.l., <https://perma.cc/ESR4-NCMD>.

¹⁰² *Ricerca audiolibri*, Centro Internazionale del Libro Parlato Associazione Onlus, <https://perma.cc/69M7-F2RY>.

¹⁰³ *Audioriviste*, Centro Internazionale del Libro Parlato Associazione Onlus, <https://perma.cc/4JS7-VWBB>.

¹⁰⁴ *Main News*, Unione Italiana dei Ciechi e degli Ipovedenti Ascoli Piceno e Fermo, <https://perma.cc/UV3X-EFWU>.

¹⁰⁵ *Catalogo Opere*, Centro Braille San Giacomo Soc. Coop. Soc., <https://perma.cc/DG9P-FLCV>.

¹⁰⁶ *Testi Scolastici*, Stamperia Regionale Braille Onlus, <https://perma.cc/9UMK-M9VV>.

III. Current Legislative Proposals on Access to Information for Persons with Disabilities

A. Legislative Bills on Disabled Persons

The following are legislative bills affecting the situation of disabled persons submitted to the Italian parliament since 2008:

- Bill No. 997/2023, "Provisions on Accessible Tourism and Participation of Disabled Persons in Cultural, Tourist and Recreational Activities." Status: first reading in the Chamber of Deputies, Examination in Committee (started on May 30, 2023);¹⁰⁷
- Bill No. 195/2022, "Amends Article 41 of the Highway Code, pursuant to Legislative Decree No. 285 of April 30, 1992, regarding Acoustic or Tactile Signage of Road Crossings to Facilitate Persons with Visual Impairments." Status: first reading in the Chamber of Deputies, Examination in Committee (started on October 25, 2023 and concluded on March 13, 2024);¹⁰⁸
- Bill No. 3224/2010, "Discipline of National Organizations, Federations and Associations of Disabled Persons and Their Relatives." Status: Examination in Committee (started on March 11, 2010);¹⁰⁹
- Bill No. 1612/2008, "Amends Article 1 of Law No. 18 of February 11, 1980 and Article 38 of Law No. 448 of December 28, 2001 on Pensions and Attendance Allowances for Totally Disabled Civilians." Status: Examination in Committee (started on November 25, 2009);¹¹⁰
- Bill No. 1732/2008, "Provisions on Associations for the Protection of Disabled Persons," Status: Examination in Committee (started on November 25, 2009);¹¹¹
- Bill No. 1335/2008, "Rules for the Recognition of Deafblindness as a Single Disability." Status: Examination in Committee (started on February 17, 2010);¹¹² and
- Bill No. 2024/2008, "Provisions on Assistance for Persons Affected by Severe Disabilities Without Family Support." Status: Examination in Committee (started on March 30, 2010).¹¹³

¹⁰⁷ Progetto No. 997/2023 "Disposizioni in materia di Turismo Accessibile e di Partecipazione delle Persone Disabili alle Attività Culturali, Turistiche e Ricreative," <https://perma.cc/GTF9-8J6Y>.

¹⁰⁸ Progetto No. 195/2022 "Modifica all'Articolo 41 del Codice della Strada, di cui al Decreto Legislativo 30 aprile 1992, n. 285, in materia di Segnalazione Acustica o Tattile degli Attraversamenti Stradali per Agevolare i Soggetti con Disabilità Visiva," <https://perma.cc/PU4H-4Q7P>.

¹⁰⁹ Progetto No. 3224/2010, "Disciplina delle Organizzazioni, Federazioni e Associazioni a Carattere Nazionale di Persone Disabili e dei Loro Familiari," <https://perma.cc/K7UV-JXZA>.

¹¹⁰ Progetto No. 1612/2008, "Modifiche all'Articolo 1 della Legge 11 Febbraio 1980, n. 18, e all'Articolo 38 della Legge 28 Dicembre 2001, n. 448, in materia di Pensioni e Indennità di Accompagnamento in Favore degli Invalidi Civili Totalmente Inabili," <https://perma.cc/SE2C-56US>.

¹¹¹ Progetto No. 1732/2008, "Disposizioni sulle Associazioni di Tutela delle Persone Disabili," <https://perma.cc/MBB4-TZTM>.

¹¹² Progetto No. 1335/2008, "Norme per il Riconoscimento della Sordocecità quale Disabilità Unica," <https://perma.cc/6X4S-L9N2>.

¹¹³ Progetto No. 2024/2008, "Disposizioni in Materia di Assistenza in Favore delle Persone Affette da Disabilità Grave Prive del Sostegno Familiare," <https://perma.cc/R7ZA-GLNE>.

B. Italy's Report Pursuant to the UN Convention on the Rights of Persons with Disabilities

In 2016, Italy issued its "First Alternative Report of the Italian Disability Forum to the UN Committee on the Convention on the Rights of Persons with Disabilities."¹¹⁴ The report contained numerous proposals for the modification of the legislative and regulatory framework regarding disabled persons in Italy. The following are the most relevant proposals:

1. *Include the Definition of "Reasonable Accommodation" in Italian National and Regional Legislation and Recognize that Even the Refusal of Reasonable Accommodation is a Form of Discrimination on the Basis of Disability*

The criticism is that Law No. 99 of 2013, on the Promotion of Employment, in Particular Youth, of Social Cohesion, as well as in the field of Value Added Tax (VAT) and Other Urgent Financial Measures,¹¹⁵ does not offer a definition of "reasonable accommodation" in the workplace, to ensure that people with disabilities have full equality with other workers, as required by the UN Convention on the Rights of Persons with Disabilities, and where there is a specific reference, its application is subject to available resources.¹¹⁶ Furthermore, Law No. 99 refers only to the field of work and not to other areas of daily life as required by the UN Convention.¹¹⁷

2. *Include Measures Aimed at Improving the Skills of School Staff and Establish Specific Roles for Support Teachers in the School Reform Law No. 107 of 2015*

Another proposal stems from the notion that the quality of school inclusion of students with disabilities in mainstream schools is often inadequate and that, compared to the general population, disabled persons have a lower level of education.¹¹⁸ For that reason, organizations of disabled persons submitted bill PdL 2444AC to the Italian Chamber of Deputies, which would amend Law No. 107 of 2015,¹¹⁹ specifying the conditions necessary to guarantee the continuity and quality of education of students with disabilities in mainstream schools. The bill proposes, among other things, the separation of curricular and support careers in order to avoid teachers choosing support as a temporary fallback while waiting for a teaching position and to provide support teachers with in-depth training on teaching and communication strategies for the different types of disabilities.¹²⁰

¹¹⁴ Report, supra note 31.

¹¹⁵ Legge 9 agosto 2013, n. 99 Conversione in Legge, con Modificazioni, del Decreto-Legge 28 giugno 2013, n. 76, recante Primi Interventi Urgenti per la Promozione dell'Occupazione, in Particolare Giovanile, della Coesione Sociale, nonché in materia di Imposta sul Valore Aggiunto (IVA) e Altre Misure Finanziarie Urgenti, adding art. 3-bis to Legislative Decree No. 216, <https://perma.cc/EFR3-DBFY>.

¹¹⁶ Report, supra note 31, at 7.

¹¹⁷ Id. at 7.

¹¹⁸ Id.

¹¹⁹ Legge 13 luglio 2015, n. 107 Riforma del Sistema Nazionale di Istruzione e Formazione e Delega per il Riordino delle Disposizioni Legislative Vigenti, <https://perma.cc/SAQ2-UDY2>.

¹²⁰ Report, supra note 31, at 7.

3. *Achieve a Common Definition of Disability in Line with the UN Convention*

Italian legislation does not provide a unified definition of disability or of disabled persons with intensive support needs, which is inconsistent with the UN Convention and causes deep territorial differences throughout the country concerning the definition and implementation of social and health policies.¹²¹

4. *Reduce the Gap Between Accessibility Legislation (Environment, Transport, Web, TV and Communication) and its Application and Include Training on the Principles of “Design for All” in the Ordinary Curriculum of all Accessibility Professionals*

Italy has positive legislation on accessibility (of the environment, transport, web and TV), but it is often disregarded.¹²² At the same time, data on its application and the quality of the services offered is not available.¹²³ Training on “Design for All” and on accessibility criteria for professionals who deal with accessibility is not included in ordinary curricula and monitoring by public authorities is scant.¹²⁴

5. *Include Disability Issues During Protection Activities for Migrants and Refugees Entering Italian Territory and Collect Data on their Number and Conditions*

No information exists in Italy on the number of disabled migrants, including disabled unaccompanied minors, the type of disability and the accommodations offered, or on the strategies adopted by the government and private sector entities in case of assistance to refugees and migrants with disabilities, or on refugee centers’ accessibility and reasonable accommodations for these persons, or on the provision of psychological support, in particular to minors.¹²⁵

6. *Repeal the Current Legal Provisions on Interdiction and Incapacity (Guardianship), Reform the Current Legal Institution of the Support Administration and Insert into Italian Legislation a Provision Regarding Access to Support for Decision-making*

This proposal seeks to repeal the provisions of Law No. 6 of 2004 which introduced the legal institution of the support administrator for persons with limited or compromised capacity to act, as well as the legal institutions of interdiction and incapacity.¹²⁶

7. *Repeal National Laws that Allow for Compulsory Medical Treatment and Forced Hospitalization*

Law No. 833 of 1978 on the National Health Service¹²⁷ allows for compulsory medical treatments and the forced hospitalization of persons who refuse necessary health care as determined by competent health professionals, or when the person is considered to be

¹²¹ Id. at 8.

¹²² Id. at 9.

¹²³ Id.

¹²⁴ Id.

¹²⁵ Id.

¹²⁶ Id.

¹²⁷ Legge 23 dicembre 1978, n. 833 Istituzione del Servizio Sanitario Nazionale, <https://perma.cc/BYS2-425J>.

dangerous to themselves or others. Such persons can be held against their will in health facilities or in the psychiatric departments of general hospitals.¹²⁸

8. *Include in the School Reform Law No. 107 of 2015 Measures to Maximize the Participation of Students with Disabilities in Extracurricular Professional Training*

This reform seeks to amend Law No. 107 of 2015¹²⁹ to improve access for students with disabilities, especially those with intellectual disabilities, to vocational training programs during and after school.¹³⁰

9. *Include in the Reform Law 107/2015 Accessibility Requirements Eliminating Architectural Barriers for Disabled Persons in School Buildings*

The proposal aims at reducing the physical access and use barriers still existing in about a third of the country's school buildings.¹³¹

¹²⁸ Report, supra note 31, at 10.

¹²⁹ Legge 13 luglio 2015, n. 107 Riforma del Sistema Nazionale di Istruzione e Formazione e Delega per il Riordino delle Disposizioni Legislative Vigenti, <https://perma.cc/MY5T-NWJF>.

¹³⁰ Report, supra note 31, at 11.

¹³¹ Id. at 12.

Japan

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SUMMARY Japan is a party to international agreements on people with disabilities and has various domestic laws on the support and protection of persons with disabilities.

There is no government sponsored library with a legal obligation to provide services specifically for blind/virtually impaired persons. However, under the Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons, the national and local governments have taken measures for public libraries, in cooperation with Braille libraries, to improve their stocks of books, electronic materials, and other materials for visually impaired persons to use. The national and local governments facilitate cooperation between Braille libraries and public libraries.

The Houses of the Diet and courts have improved the accessibility of their websites. They have tried to make their web content fully conform to the Japanese industrial standard on design considerations for the elderly, people with disabilities, etc.

Regarding the right to culture, the Act on Promotion of Cultural and Artistic Activities for People with Disabilities aims to promote the creation of an environment in which people with disabilities can appreciate, participate in, and create cultural arts.

I. Introduction

Japan has various laws for protection of people with disabilities, such as the Basic Act for Persons with Disabilities, as well as acts related to anti-discrimination and employment support, and barrier-free laws. In recent years, after accession to international agreements on people with disabilities, and in order to fulfill the obligation under such international agreements, new laws have been enacted, especially in the areas of information and cultural accessibility.

II. Legal Framework

A. Constitutional Protections

The Constitution of Japan does not explicitly mention protections of persons with disabilities, but it guarantees human right protections to the people.¹ In addition, it states that “all of the people shall be respected as individuals. Their rights to life, liberty, and the pursuit of happiness shall . . . be the supreme consideration in legislation and in other governmental affairs.”²

¹ Constitution of Japan (1946), art. 11, <https://perma.cc/3Y8U-CL9S> (unofficial translation).

² Id. art. 13.

B. International Obligations

Japan ratified the Convention on the Rights of Persons with Disabilities³ in 2014.⁴ Japan acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled⁵ in October 2018.⁶

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

The main laws on the protection of persons with disabilities are listed in the table below, grouped by the government agencies that are in charge of them.

Cabinet Office	Basic Act for Persons with Disabilities
	Act for Eliminating Discrimination against Persons with Disabilities
	Act on Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities
Ministry of Health, Labor and Welfare (MHLW)	Act on Welfare of the Physically Disabled
	Act on Mental Health and Welfare of for Persons with Mental Disorders or Disabilities
	Act on Welfare of the Intellectually Disabled
	Act on Support for Persons with Developmental Disabilities
	Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities
	Act on Promotion of Research, Development and Dissemination of Welfare Equipment
	Act on Assistance Dog for Physically Disabled Persons
	Act on Promotion of Employment of the Disabled
	Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers

³ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

⁴ *Status of Ratification Interactive Dashboard: Japan*, UN Human Rights Office of the High Commissioner, <https://perma.cc/W6F2-ZLCU>.

⁵ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3164 U.N.T.S. 453, <https://perma.cc/NG5V-DJLT>.

⁶ 盲人、視覚障害者その他の印刷物の判読に障害のある者が発行された著作物を利用する機会を促進するためのマラケシュ条約 (Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled), Ministry of Foreign Affairs, <https://perma.cc/RB39-5YCM>.

	Act on the Payment of Special Child Allowances, etc.
	Employee's Pension Insurance Act & National Pension Act
	Act on Promotion of Procurement of Goods, etc. from Employment Facilities for Persons with Disabilities by the State, etc.
Ministry of Education, Culture, Sports, Science and Technology (MEXT)	Act on Encouragement for Children's Attendance at Special Needs Schools
	Act on School Lunches in the Kindergarten and High School of Special Needs Schools
MHLW & MEXT	Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons
	Act on Promotion of Cultural and Artistic Activities for People with Disabilities
Ministry of Internal Affairs and Communications	Act on Advancement of Facilitation Program for Disabled Persons' Use of Telecommunications and Broadcasting Services, with a View to Enhance Convenience of Disabled Persons
Ministry of Land, Infrastructure, Transport and Tourism	Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. (Barrier-Free Act)

1. *Basic Act for Persons with Disabilities*⁷

The Basic Act for Persons with Disabilities establishes measures to support the independence and social participation of persons with disabilities. A person with a disability means a person with a physical, intellectual and/or mental (including developmental) disability, or other disability affecting the functions of the body or mind, who faces substantial limitations in his or her continuous daily life or social life.⁸ The act obligates the national and local governments to establish basic plans for people with disabilities,⁹ and implement measures to support the independence and social participation of persons with disabilities.¹⁰ The measures include the following:

- medical and nursing care;
- pensions;
- education;

⁷ 障害者基本法 [Basic Act for Persons with Disabilities], Act No. 84 of 1970, as amended by Act No. 65 of 2013 (as amended by Act No. 90 of 2011. Art. 32, para. 2, item 4 is not included), <https://perma.cc/AV8K-XQ9R>.

⁸ Id. art. 2.

⁹ Id. art. 11.

¹⁰ Id. art. 6.

- childcare with medical care;
- employment assistance;
- promotion of employment;
- housing;
- access to public facilities;
- access to information;
- welfare program consultations;
- tax measures and exemption or reduction of fees;
- access and participation to recreation, arts, and sports;
- safety measures against disasters and crimes;
- consumer protection for persons with disabilities;
- accommodation at voting places; and
- accommodation in judicial proceedings.¹¹

Many of these measures are implemented by other laws. The act also established the Week for Persons with Disabilities (December 3 to 9).¹²

2. *Act for Eliminating Discrimination against Persons with Disabilities*¹³

This act aims to provide the basic provisions for the elimination of discrimination on the basis of disability. It was enacted in June 2013 as part of the adjustment of domestic legal systems in preparation for the accession to the United Nations Convention on the Rights of Persons with Disabilities, and came into effect on April 1, 2016.¹⁴ Under the act, in order to remove social barriers, administrative agencies and business operators must endeavor to improve the structure and equipment of their facilities, provide training for relevant staff, and otherwise improve the necessary environment.¹⁵ The heads of administrative agencies and public institutions must provide manuals to employees to prevent discrimination and provide reasonable accommodation to people with disabilities.¹⁶ Businesses are also obligated to provide people with disabilities with reasonable accommodations by a 2021 amendment.¹⁷ The website of the Cabinet Office set up a

¹¹ Id. arts. 14-29.

¹² Id. art. 9.

¹³ 障害を理由とする差別の解消の推進に関する法律 [Act for Eliminating Discrimination against Persons with Disabilities], Act No. 65 of 2013, as amended by Act No. 56 of 2021, <https://perma.cc/R2DS-U92H> (in Japanese), <https://perma.cc/XJ8Y-CJPU> (translated text as originally enacted in 2013).

¹⁴ 障害を理由とする差別の解消の推進 (Promotion of Elimination of Eliminating Discrimination against Persons with Disabilities), Cabinet Office, <https://perma.cc/9NS6-4SA6>.

¹⁵ Id. art. 5

¹⁶ Id. art. 9.

¹⁷ Id. art. 10.

portal site to promote understanding and to eliminate discrimination against people with disabilities, by listing examples of discrimination and reasonable accommodations.¹⁸

3. *Act on Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities*¹⁹

Principles of this act include

- persons with disabilities should be able to obtain the same information as non-disabled persons at the same time, to the extent possible, and
- in a digital society, all persons with disabilities should be able to fully obtain and use the information they need and communicate smoothly through the use of advanced information and communications networks and the utilization of information and communications technology.²⁰

In order to promote the development and dissemination of devices that contribute to information acquisition by persons with disabilities, the national and local governments must take necessary measures, such as subsidies for the development and provision of such devices, standardization of specifications, support for providing information to persons with disabilities or their caregivers, and support for obtaining such devices. In order to enable persons with disabilities to learn how to use devices, the national and local governments must take necessary measures, such as providing support in the homes of persons with disabilities, holding seminars, responding to inquiries from persons with disabilities, and other measures regarding the use of devices that contribute to information acquisition by persons with disabilities.²¹

In addition, the national and local governments must take measures to enable persons with disabilities to promptly and reliably obtain information on disaster prevention and crime prevention, such as improving emergency systems, promoting the installation of facilities and equipment, and other necessary measures according to the type and degree of the disabilities.²² The national and local governments must also secure, train, and improve the qualifications of persons who support communication between persons with disabilities and other persons, in order to enable persons with disabilities to fully obtain and use the information they need and to communicate smoothly in areas such as medical care, nursing care, other healthcare, welfare, education, labor, transportation, telecommunications, broadcasting, culture and the arts, sports,

¹⁸ *Portal site to promote understanding and eliminate discrimination against people with disabilities*, Cabinet Office, <https://perma.cc/G944-XXH7> (in Japanese).

¹⁹ 障害者による情報の取得及び利用並びに意思疎通に係る施策の推進に関する法律 [Act on Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities], Act No. 50 of 2022, <https://perma.cc/62RA-WQM6>.

²⁰ Id. art. 3.

²¹ Id. art. 11.

²² Id. art. 12

recreation, legal proceedings, and other areas necessary for persons with disabilities to lead independent daily and social lives.²³

4. *Act on Welfare of the Physically Disabled*²⁴

In this act, a “physically disabled person” means a person aged 18 or older who has a physical disability as listed in the separate table and who has been issued a certificate of physical disability by the prefectural governor.²⁵ The act’s attached table details disabilities on vision; hearing or balance function; speech, language, or chewing functions; limbs; disorders of cardiac, renal or respiratory function; and others. The level of disability is ranked by severity from grade one to seven.²⁶ Physically disabled persons can receive services and assistance from the national and local governments.

5. *Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities*²⁷

This act provides for the provision of medical care and protection for persons with mental disabilities, for the promotion of their social reintegration, their independence, and their participation in socio-economic activities, and for other efforts to maintain and promote the mental health of the nation.²⁸ The “person with a mental disability” in this act is defined as an individual with schizophrenia, acute addiction to or dependency on a psychoactive substance, intellectual disability, or any other form of psychiatric disorder.²⁹

Under the act, each prefecture is obligated to establish a Mental Health and Welfare Center. A Mental Health and Welfare Center undertakes counseling of or giving guidance to mentally disabled people. These centers also perform tasks which require specialized knowledge or skills, among which include making decisions on applications for welfare services.³⁰

²³ Id. art. 13.

²⁴ 身体障害者福祉法 [Act on Welfare of the Physically Disabled], Act No. 283 of 1949, as amended by Act No. 104 of 2022, <https://perma.cc/EM37-2XZT>.

²⁵ Id. art. 4.

²⁶ Enforcement Rules of The Act on Welfare of the Physically Disabled, Ministry of Health and Welfare Rule No. 15 of 1950, as amended by Ministry of Health, Labor and Welfare, Rule No. 127 of 2023, art. 5, attached table 5, <https://perma.cc/N4H9-XTFL> (in Japanese).

²⁷ 精神保健及び精神障害者福祉に関する法律 [Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities], Act No. 123 of 1950, as amended by Act No. 104 of 2020, <https://perma.cc/82GG-654B> (in Japanese), <https://perma.cc/UFQ8-TBUZ> (unofficial English translation).

²⁸ Id. art. 1.

²⁹ Id. art. 5.

³⁰ Id. art. 6.

A person with a mental disability, excluding a person with an intellectual disability, can receive a certificate of mental disorder from the prefectural governor.³¹ The level of disability is ranked by severity from grade one to three.³² The certificate is renewable every two years.³³

6. *Act on Welfare of the Intellectually Disabled*³⁴

This act aims to assist and provide necessary protection to intellectually disabled persons. Municipal welfare offices provide consultations regarding the welfare of the intellectually disabled and conduct necessary research and guidance.³⁵ Municipal governments may admit intellectually disabled persons to facilities for disabled people.³⁶ Prefectural governments provide intellectually disabled people with consultations and guidance that requires specialized knowledge and skills, and provide medical, psychological, and vocational assessments of intellectually disabled persons aged 18 or older.³⁷

7. *Act on Support for Persons with Developmental Disabilities*³⁸

This act clarifies the responsibilities of the national and local governments regarding early detection of developmental disabilities, support for people with developmental disabilities in school education, employment support for people with developmental disabilities, and the designation of support centers for persons with developmental disabilities.³⁹ In this act, “developmental disability” means autism, Asperger’s syndrome, other pervasive developmental disorders, learning disabilities, attention deficit hyperactivity disorder (ADHD), and other similar disorders of brain function whose symptoms usually appear at an early age and are specified by government ordinance.⁴⁰

³¹ Id. art 45, para. 1.

³² 精神障害者保健福祉手帳の障害等級の判定基準について [Regarding the criteria for determining the disability grade of mentally disabled to issue the mental disability certificate], 健医発[Issued by Health and Medicine Dept.] No. 1, 133, Sept. 12, 1995, <https://perma.cc/F4CR-SHKW>.

³³ Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities art. 45, para. 4.

³⁴ 知的障害者福祉法 [Act on Welfare of the Intellectually Disabled], Act No. 37 of 1960, as amended by Act No. 104 of 2022, <https://perma.cc/K93C-XGBN>.

³⁵ Id. art. 10.

³⁶ Id. art. 16.

³⁷ Id. art. 11.

³⁸ 発達障害者支援法 [Act on Support for Persons with Developmental Disabilities, Act No. 167 of 2004, amended by Act No. 64 of 2016, <https://perma.cc/69GQ-PQBP>.

³⁹ Id. arts. 3, 5, 6, 8, 10.

⁴⁰ Id. art. 2.

8. *Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities*⁴¹

Under this act, the national and local governments provide necessary welfare services, community life support programs, and other support for people with disabilities and specified diseases that are difficult to treat fundamentally in a comprehensive manner so that those people can live their daily lives and participate in their communities. The governments pay independent living support benefits to people with disabilities; thus they can receive the services they need, such as visiting care for persons with severe disabilities, companion support, activity support, medical nursing care, short-stay service, residential facility care, rehabilitation services, and group home assistance.⁴²

As community life support, municipal governments provide transportation support, equipment, communication support, consultations, programs at community activity support centers, and daytime support at welfare homes.⁴³ Prefectural governments provide consultation support services, which involve especially high expertise and services to train and dispatch persons for communication support.⁴⁴

9. *Act on Promotion of Research, Development and Dissemination of Welfare Equipment*⁴⁵

Based on the act, the MHLW and the Ministry of Economy, Trade and Industry promote research, development, and dissemination of welfare equipment. The New Energy and Industrial Technology Development Organization, a national research and development agency, subsidizes research and development related to the practical application of industrial technology that contributes to the improvement of technology related to welfare equipment. It also collects information on industrial technology related to welfare equipment and provides such information and other assistance to those research and developments.⁴⁶

10. *Act on Assistance Dog for Physically Disabled Persons*⁴⁷

This act obligates the government to take measures to allow physically disabled persons to be accompanied by assistance dogs when using government-managed facilities and public

⁴¹ 障害者の日常生活及び社会生活を総合的に支援するための法律 [Act on Providing Comprehensive Support for the Daily Life and Life in Society of Persons with Disabilities], Act No. 123 of 2005, as amended by Act No. 104 of 2022, <https://perma.cc/7J4E-RHLR>.

⁴² Id. art. 6.

⁴³ Id. art. 77.

⁴⁴ Id. art. 78.

⁴⁵ 福祉用具の研究開発及び普及の促進に関する法律 [Act on the Promotion of Research, Development and Dissemination of Social Welfare Equipment], Act No. 38 of 1993, Amended by Act No.64 of 2014, <https://perma.cc/SBC3-3Z2G>.

⁴⁶ Id. art. 7.

⁴⁷ 身体障害者補助犬法 [Act on Assistance Dogs for Physically Disabled Persons], Act No. 49 of 2002, amended by Act No. 28 of 2020, <https://perma.cc/3GP5-559R>.

transportation.⁴⁸ The Minister of Health, Labor and Welfare may, upon application, designate incorporated associations or foundations, or social welfare corporations who are deemed to be able to carry out the services appropriately and reliably as those that train or research assistance dogs, for each type of assistance dog.⁴⁹

*11. Act on Promotion of Employment of the Disabled*⁵⁰

Under this act, public employment security offices provide information on persons with disabilities who look for jobs to employers, and recommend employment options.⁵¹ Prefectures implement adaptive training for job-seekers with disabilities free of charge.⁵² Public employment security offices may give persons with disabilities and/or their employers advice or guidance.⁵³ The Minister of Health, Labor and Welfare establishes and manages vocational centers for persons with disabilities.⁵⁴

The Minister of Health, Labor and Welfare established the guidelines on the prohibition of discrimination.⁵⁵ If a person makes a disability request, the employer must take necessary measures that reflect consideration for the characteristics of that person's impairment in their recruitment and hiring of workers, in order to remove obstacles to equal opportunities for persons with disabilities, unless those measures would place an excessive burden on the employer.⁵⁶

Employers are obligated to ensure that at least 2.7% of their employees are persons with disabilities.⁵⁷ Employers who employ more than the quota can receive an allowance for the number of disabled workers exceeding the quota. The adjustment allowance is 29,000 yen (about US\$188) per month per person.⁵⁸ Employers that cannot achieve the number must pay a levy.⁵⁹

⁴⁸ Id. arts 7, 8.

⁴⁹ Id. art. 15.

⁵⁰ 障害者の雇用の促進等に関する法律 [Act to Facilitate the Employment of Persons with Disabilities], Act No. 123 of 1960, as amended by Act No. 21 of 2023, <https://perma.cc/8LV6-3SH6> (in Japanese), <https://perma.cc/6R2M-4EK5> (in English, as amended by Act No. 36 of 2019. The subsequent amendments were minor ones).

⁵¹ Id. art. 9.

⁵² Id. arts. 13, 15.

⁵³ Id. arts. 17, 18.

⁵⁴ Id. art. 19.

⁵⁵ Id. art. 36.

⁵⁶ Id. art. 36-2.

⁵⁷ Id. art. 43; Enforce Order of Act to Facilitate the Employment of Persons with Disabilities, Cabinet Order No. 292 of 1960, as amended by Order No. 239 of 2023, art. 9, <https://perma.cc/7W9Y-2R99> (in Japanese).

⁵⁸ Act to Facilitate the Employment of Persons with Disabilities art. 50, para. 2.; Enforce Order of Act to Facilitate the Employment of Persons with Disabilities art. 15.

⁵⁹ Act to Facilitate the Employment of Persons with Disabilities art. 56.

In addition, the government grants money to employers when they add a system or facilities to ease work conditions for persons with disabilities.⁶⁰

Businesses that give contractor work to persons with disabilities working at home or organizations supporting those are eligible for a special adjustment allowance.⁶¹

*12. Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers*⁶²

This act obligates the state to take measures to detect abuse of persons with disabilities.⁶³ When someone reports abuse of a disabled person, local and national governments must investigate and intervene against abuse by using authorities under appropriate laws.⁶⁴ The act also obligates governments to provide counseling to caregivers of persons with disabilities.⁶⁵

*13. Act on the Payment of Special Child Rearing Allowances*⁶⁶

Under the act, the government pays a special child support allowance for those who are raising a disabled child under the age of 20.

*14. Employee's Pension Insurance Act*⁶⁷ & *National Pension Act*⁶⁸

Under these pension acts, persons with disabilities may receive disability pension after reaching the age of 20.⁶⁹

⁶⁰ Id. art. 51.

⁶¹ Id. art. 74-2.

⁶² 障害者虐待の防止、障害者の養護者に対する支援等に関する法律 [Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers], Act No. 79 of 2011, <https://perma.cc/HKJ3-ZDWL>.

⁶³ Id. art. 6.

⁶⁴ Id. art. 9, 17, 26.

⁶⁵ Id. art. 14.

⁶⁶ 特別児童扶養手当等の支給に関する法律 [Act on Special Child Rearing Allowance], Act No. 134 of 1964, as amended by Act No. 37 of 2016, <https://perma.cc/26RE-EUTN>.

⁶⁷ 厚生年金保険法 [Employees' Pension Insurance Act], Act No. 115 of 1954, as amended by Act No. 52 of 2024, <https://perma.cc/YFX3-DGBS>.

⁶⁸ 国民年金法 [National Pension Act], Act No. 141 of 1959, as amended by Act No. 52 of 2024, <https://perma.cc/SKG9-AEH7>.

⁶⁹ Employees' Pension Insurance Act arts. 47 to 47-3; National Pension Act arts. 30 to 30-4.

15. *Act on Promotion of Procurement of Goods, etc. from Employment Facilities for Persons with Disabilities by the State, etc.*⁷⁰

This act obligates the state, independent administrative agencies, local governments, and local independent administrative agencies to endeavor to procure goods and services from facilities that mostly employ people with disabilities.

16. *Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons*⁷¹

This act is discussed below.

17. *Act on Promotion of Cultural and Artistic Activities for People with Disabilities*⁷²

This act is discussed below.

18. *Act on Encouragement for Children's Attendance at School for Special Needs Education*⁷³

In order to reduce the financial burden on parents and guardians of their children's or students' attendance at public or private special needs schools, prefectures must cover all or part of the expenses necessary for attendance at such schools, according to the degree of the parents' ability to pay. Such expenses include costs for purchasing textbooks, school lunch fees, and transportation costs to school and home of the students and accompanying persons.⁷⁴

19. *Act on School Lunches in the Kindergarten and High School of Special Needs Schools*⁷⁵

This act requires special needs schools with kindergartens and special needs high schools to provide lunches to their students. Public elementary and middle schools are required to provide lunch by a different law.

⁷⁰ 国等による障害者就労施設等からの物品等の調達の推進等に関する法律 [Act on Promotion of Procurement of Goods from Employment Facilities for Persons with Disabilities by the State, etc.], Act No. 50 of 2012, as amended by Act No. 104 of 2022, <https://perma.cc/VFR2-N8RA>.

⁷¹ 視覚障害者等の読書環境の整備の推進に関する法律 [Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons], Act No. 49 of 2018, <https://perma.cc/6BMJ-QFPM>.

⁷² 障害者による文化芸術活動の推進に関する法律 [Act on Promotion of Cultural and Artistic Activities for People with Disabilities], Act No. 47 of 2018, <https://perma.cc/ZZZ7-7PRN>.

⁷³ 特別支援学校への就学奨励に関する法律 [Act on Encouragement for Children's Attendance at School for Special Needs Education], Act No. 144 of 1954, as amended by Act No. 47 of 2016, <https://perma.cc/PN25-QQRW>.

⁷⁴ Id. art. 2.

⁷⁵ 特別支援学校の幼稚部及び高等部における学校給食に関する法律 [Act on School Lunch Program for Kindergarten and High School of Special Needs Schools], Act No. 118 of 1957, as amended by Act No. 73 of 2008, <https://perma.cc/6ZJW-BW9N>.

20. *Act on Advancement of Facilitation Program for Disabled Persons' Use of Telecommunications and Broadcasting Services, with a View to Enhance Convenience of Disabled Persons*⁷⁶

The National Institute of Information and Communications Technology provides subsidies to television broadcasters to cover the funds necessary for the implementation of auditory explanations for the visually impaired and subtitles for the hearing impaired on television broadcasts.

21. *Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. (Barrier Free Act)*⁷⁷

This act imposes an obligation on public transport operators, those planning to build a building, and owners and managers of parks and streets to comply with the standards for facilitating mobility when constructing new public transportation facilities, buildings, city parks, off-street parking lots, and pedestrian spaces.

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

There is no government sponsored library with a legal obligation to provide services specifically for blind/virtually impaired persons. However, under the Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons, the national and local governments have taken measures for public libraries, university and school libraries, and the National Diet Library, in accordance with the roles each must play, and in cooperation with Braille libraries, to improve their stocks of books, electronic materials, and other materials for visually impaired persons to use. Likewise, these libraries are working to improve support for the smooth use of books, and to establish other systems for the use of these libraries by visually impaired persons.⁷⁸ The national and local governments facilitate cooperation between Braille libraries and public libraries. The governments have taken measures for Braille libraries to improve the availability of books and other materials for visually impaired persons to use and to provide information to public libraries regarding these.⁷⁹ There is no national Braille library. Every prefecture has at least one such library run by a local government or a social welfare corporation.⁸⁰

⁷⁶ 身体障害者の利便の増進に資する通信・放送身体障害者利用円滑化事業の推進に関する法律 [Act on Advancement of Facilitation Program for Disabled Persons' Use of Telecommunications and Broadcasting Services, with a View to Enhance Convenience of Disabled Persons], Act No. 54 of 1993, as amended by Act No. 65 of 2010, <https://perma.cc/KC3V-LVHN>.

⁷⁷ 高齢者、障害者等の移動等の円滑化の促進に関する法律 [Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc.], Act No. 91 of 2006, as amended by Act No. 53 of 2024, <https://perma.cc/C34S-8RG4>.

⁷⁸ Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons art. 9, para. 1.

⁷⁹ Id. art. 9, para. 2.

⁸⁰ 点字図書館一覧 (List of Braille Libraries), MHLW (Apr. 1, 2024), <https://perma.cc/V37G-5WAE>.

2. Public Legal Information

The Houses of Representatives and Councillors of the Diet aims to make their websites conform to level AA of the Japanese Industrial Standard (JIS) X 8341-3:2016 and have improved accessibility. JIS X 8341-3:2016 contains the guidelines for design considerations for the elderly, people with disabilities, etc. Part 3 of the “information and communications equipment, software, and services” category pertains to web content.⁸¹ The House of Representatives plans to satisfy the standards by the end of March 2026.⁸² Their websites include a schedule of sessions, and a summary of committee meetings and bills, among other things. The following are excluded:

- content generated based on unique specifications, including
 - opening session information, and
 - House of Representatives official information,
- image data attached to questions and answers, and
- PDF data created before the Web Accessibility Policy was established.⁸³

The Courts in Japan website follows the same web accessibility standards as the House.⁸⁴ Court filings and judgments are not freely available in Japan. The Courts in Japan website posts Supreme Court judgments with substantial content and selected lower court judgments.

B. Right to Access to Justice

The Act on Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities states that the national and local governments must take measures such as securing, training, and improving the qualifications of persons who support communication between persons with disabilities and other persons, in order to enable persons with disabilities to fully obtain and use the information they need and to communicate smoothly in legal proceedings and other areas.

Though the Act for Eliminating Discrimination against Persons with Disabilities (see Part II(C)(3) above) does not apply to courts, following executive agencies, the courts have established manuals for employees to prevent discrimination and provide reasonable accommodation to people with disabilities.⁸⁵ As examples of reasonable accommodation, it provides the following:

⁸¹ 衆議院ホームページ ウェブアクセシビリティ方針 (House of Representatives Homepage Web Accessibility Policy), House of Representatives, <https://perma.cc/HJ5K-7A4R>.

⁸² Id.

⁸³ Id.

⁸⁴ 裁判所ウェブアクセシビリティ方針 (Court web accessibility policy), Courts in Japan, <https://perma.cc/TB8J-PH99>.

⁸⁵ 裁判所における障害を理由とする差別の解消の推進に関する対応要領 (Guidelines for promoting the elimination of discrimination on the basis of disabilities in the courts), Supreme Courts Justices Meeting Decision, at 12 (Mar. 27, 2024), <https://perma.cc/8SNP-2L8A>.

- using means of communication such as written communication, reading aloud, sign language, Braille, large text, written documents with pictures, gestures, tactile signals, etc.;
- when creating documents in Braille, large text, etc., consideration should be given to the fact that page numbers, etc. may differ between each medium;
- when sending meeting materials, etc. to visually impaired committee members in advance, courts should provide them in electronic data (text format) so that they can be used with text-to-speech software;
- using picture cards, etc. to confirm the intentions of persons with disabilities who have difficulty communicating; and
- providing written notes instead of directions that would normally be given verbally in parking lots, etc.

C. Right to Culture

The Act on Promotion of Cultural and Artistic Activities for People with Disabilities aims to promote the creation of an environment in which people with disabilities can appreciate, participate in, and create cultural arts (music, film, art, etc.) and to provide support for doing so.⁸⁶ The national and local government must take the following measures:

- expand opportunities of appreciation and creation of culture and the arts,⁸⁷
- increase opportunities to present works;⁸⁸
- protect and evaluate works with high artistic value;⁸⁹ and
- establish consultation systems and develop human resources.⁹⁰

Under the Barrier-Free Act, cultural facilities owners and managers must make new facilities barrier-free.⁹¹

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

Not applicable.

⁸⁶ Act on Promotion of Cultural and Artistic Activities for People with Disabilities art. 1.

⁸⁷ Id. arts 9, 10.

⁸⁸ Id. art. 11.

⁸⁹ Id. arts. 12, 13.

⁹⁰ Id. arts. 14, 16.

⁹¹ Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. art. 14.

Kenya

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SUMMARY A number of laws promote and protect the rights of persons with disabilities in Kenya. These include the 2010 Constitution, the 2003 Persons with Disabilities Act, and various other statutes that include provisions relevant to persons with disabilities. The Kenyan Constitution considers international treaties that the country has ratified as domestic law. Key international instruments applicable in Kenya as a result include the Convention on the Rights of Persons with Disabilities; the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

The Kenya Institute for the Blind runs a national braille library, serving students at all levels of education. The Kenya Society for the Blind works in improving access to assistive devices for educational institutions. Likewise, the Kenya National Library Services offers programs for communities unable to access libraries, including braille services through institutions dealing with visually impaired persons. The Access to Information Act requires that public entities facilitate sharing of information in a manner accessible to persons with disabilities. Sign language is one of the official languages of Parliament, and both the National Assembly and Senate standing orders mandate that proceedings be conducted in Kiswahili, English, and Kenyan Sign Language.

Constitutional and statutory laws require reasonable accommodations for persons with disabilities when they interact with the legal system be it as perpetrators of crimes, as witnesses, or as victims. Kenyan laws also impose a duty on proprietors of buildings and transportation businesses to adapt their space and services for accessibility to persons with disabilities. The Council for Persons with Disabilities is authorized to issue adjustment orders to ensure that any premises and services as well as amenities are accessible to persons with disabilities. Failure to comply with an adjustment order is an offense.

There are currently six legislative proposals under consideration between the two chambers of the Kenyan Parliament.

I. Introduction

A 2019 census found that 2.2% of the Kenyan population lives with some form of disability, with the most common form being mobility (42%), followed by visual (36.4%), cognition (23.2%), hearing (16.7%), self-care (15.3%), and communication (12.1%).¹

¹ Kenya Nat'l Comm'n on Hum. Rts. (KNCHR), *Review of County Legislation on the Rights of Persons with Disabilities: Compliance with the UN Convention on the Rights of Persons with Disabilities and The Kenyan*

In 2015, Kenya submitted its first-ever report to the Committee on the Rights of Persons with Disabilities. Committee experts noted a number of challenges, including

inequalities between men, and women and children with disabilities; persons with albinism; concrete cases in courts that had received legal remedies; accessibility both in public transport and in public and private facilities; refugees and migrant workers with disabilities; the inclusion of persons with disabilities in policy-making processes; multiple discrimination and inter-sectional disabilities; and other issues.²

A 2014 report by the Kenya National Commission on Human Rights (KNCHR) report identified the same concerns, stating “the [s]ignificant gaps in access to infrastructure, health services, education, work and employment and public participation are stark realities that persons with disabilities continue to live with.”³

The shortcomings do not appear to be due to lack of adequate legal framework for the promotion and protection of persons with disabilities. Kenya’s legislative regime for the promotion and protection of persons with disabilities, which includes the Constitution, the Persons with Disabilities Act,⁴ and a number of treaties is reasonably robust.⁵ The KNCHR report noted that the “gaps point to either slow, poor or in some cases, failure in the implementation of national policies and laws.”⁶

This report outlines the Kenyan legal framework for the protection of the rights of persons with disabilities with a particular focus on the right to information, right to access to justice, and right to culture.

II. Legal Framework

A. Constitutional Protections

The Constitution defines disability as inclusive of “any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities.”⁷

Constitution 1 (2022),

<https://www.knchr.org/Portals/0/Disability20Publications/Review20of20County20Legislation20On20The20Rights20of20PWDs.pdf?ver=2022-06-02-123434-927>; *Disability Inclusion*, United Nations Population Fund, <https://perma.cc/5D9R-4RMF>.

² Press Release, Committee on the Rights of Persons with Disabilities with Disabilities Considers Initial Report of Kenya (Aug. 19, 2015), <https://perma.cc/WG98-4HBQ>.

³ KNCHR, *From Norm to Practice: A Status of Implementation of the Rights of Persons with Disabilities in Kenya* 45 (2014), <https://www.knchr.org/Portals/0/Reports/Disability%20Report.pdf>.

⁴ Persons with Disabilities Act (June 16, 2004) (amended through 2022), <https://perma.cc/2CB5-K9A3>.

⁵ *Id.* at x.

⁶ *Id.* at 45.

⁷ Const. of Kenya § 260 (2010), <https://perma.cc/X5DE-6BPZ>.

Persons with disabilities are entitled to all the constitutional and legal protections afforded to able-bodied persons. For instance, the “equality and freedom from discrimination clause” of the Kenyan Constitution states that “[e]very person is equal before the law and has the right to equal protection and equal benefit of the law.”⁸ The clause also states that “[e]quality includes the full and equal enjoyment of all rights and fundamental freedoms.”⁹ The clause bars the state or any other person from discriminating against anyone, including persons with disabilities, “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.”¹⁰ The “human dignity” clause provides that “[e]very person has inherent dignity and the right to have that dignity respected and protected.”¹¹

Significantly, the “persons with disabilities” clause in Part Three of the chapter on the bill of rights elaborates the fundamental rights and freedoms relative to persons with disabilities, stating that

- (1) A person with any disability is entitled –
 - (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
 - (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
 - (c) to reasonable access to all places, public transport and information;
 - (d) to use Sign language, Braille or other appropriate means of communication; and
 - (e) to access materials and devices to overcome constraints arising from the person’s disability
- (2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.¹²

As the Constitution makes it clear, this clause is meant to elaborate “certain rights to ensure greater certainty as to the application of those rights and fundamental freedoms to certain groups of persons” and it “shall not be construed as limiting or qualifying any right.”¹³

The “national, official and other languages” clause of the Constitution mandates the state to “promote the development and use of indigenous languages, Kenyan Sign language, Braille and other communication formats and technologies accessible to persons with disabilities.”¹⁴ In addition, the “implementation of rights and fundamental freedoms” clause of the Constitution states that “[a]ll State organs and all public officers have the duty to address the needs of

⁸ Id. § 27.

⁹ Id.

¹⁰ Id.

¹¹ Id. § 28.

¹² Id. § 54.

¹³ Id. § 52.

¹⁴ Id. § 7.

vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.”¹⁵

The Constitution guarantees the rights of persons with disabilities to exercise their political rights. The “general principles for the electoral system” clause mandates that “[t]he electoral system shall comply with ...fair representation of persons with disabilities.”¹⁶ The “legislation on elections” clause, which mandates the enactment of legislating relating to the conduct of elections and referenda, requires that the enacted legislation must “ensure that voting at every election . . . takes into account the special needs of . . . persons with disabilities.”¹⁷ Likewise, the Constitution guarantees 12 seats for persons who “represent special interests including the youth, persons with disabilities and workers” in the National Assembly and two seats in the Senate specifically for persons with disabilities.¹⁸ The same is true for membership in county assemblies in which the Constitution mandates that each county assembly must include “the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament.”¹⁹ The Constitution further states that “Parliament shall enact legislation to promote the representation in Parliament, [of, among others,] . . . persons with disabilities.”²⁰

The “values and principles of public service” clause of the Constitution’s chapter on public service states that “[t]he values and principles of public service include . . . affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of . . . men and women; . . . the members of all ethnic groups; and . . . persons with disabilities.”²¹

B. International Obligations

Under Kenya’s Constitution, any international treaty that the country ratifies forms part of its laws.²²

Various rights accorded to persons with disabilities in Kenya and obligations of the government toward them stem from international instruments. Kenya ratified the Convention on the Rights of the Child in 1990 and the Convention on the Rights of Persons with Disabilities (CRPD) in 2008.²³ The KNCHR is the designated institution to promote, protect, and monitor the

¹⁵ Id. § 21(2).

¹⁶ Id. § 81.

¹⁷ Id. § 82.

¹⁸ Id. § 97.

¹⁹ Id. § 177.

²⁰ Id. § 100.

²¹ Id. § 232.

²² Id. § 2(6).

²³ *Ratification Status for Kenya*, United Nations Hum. Rts. Treaty Bodies, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en;

implementation of the latter convention.²⁴ In 2019, Kenya ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh Treaty).²⁵ In 2019, Kenya amended its Copyright Act to implement the treaty.²⁶ In 2022, Kenya ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.²⁷ Kenya has also committed to the East Africa Policy of Persons with Disabilities.²⁸

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

The Persons with Disabilities Act of 2003 is the primary legislation governing matters affecting persons with disabilities (frequently referred to as PWDs in Kenyan laws). The principal purpose of the act is “to provide for the rights and rehabilitation of persons with disabilities; to achieve equalisation of opportunities for persons with disabilities; to establish the National Council for Persons with Disabilities; and for connected purposes.”²⁹ Part II of the act established a state corporation, the National Council for Persons with Disabilities,³⁰ whose mission is “To promote and protect equalization of opportunities and realization of human rights for PWDs to live descent [sic] livelihoods.”³¹ Part III deals with the rights and privileges of persons with disabilities, including the right to health, education, and employment, whereas Part IV focuses on civil rights.³² Part V establishes a fund, the National Development Fund for Persons with Disabilities, for the benefit of persons with disabilities residing in Kenya.³³

Convention on the Rights of Persons with Disabilities, 2515 U.N.T.C. 3, ratified May 19, 2008, <https://perma.cc/BB4K-MF6D>.

²⁴ *Disability Focal Point*, KNCHR, <https://www.knchr.org/Our-Work/Research-and-Compliance/Disability>.

²⁵ *WIPO Administered Treaties: Marrakesh VIP Treaty*, WIPO, <https://perma.cc/XNX9-TQ9A>.

²⁶ *National Implementations of the Marrakesh Treaty by Countries That Have Ratified or Accessed to the Treaty*, Ass'n Rsch. Librs., <https://perma.cc/5WFD-XQUV>; Copyright (Amendment) Act, 2019 (Sept. 19, 2019), Kenya Gazette Supplement No. 160, <https://perma.cc/P5UY-3T26>; Chijioke Okorie, *Kenya Amends Its Copyright Act to Ratify the Marrakesh Treaty and Address a Myriad of Other Issues*, IPKAT (Oct. 1, 2019), <https://perma.cc/S2Q4-HMU6>.

²⁷ List of Countries That Have Ratified/Acceded to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Sept. 19, 2023), African Union, <https://perma.cc/Z3W5-RDB5>; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Jan. 29, 2018), <https://perma.cc/4728-H69S>.

²⁸ *Disability in Kenya*, Sida (Dec. 2014), <https://perma.cc/FXP7-ZZ5D>.

²⁹ Persons with Disabilities Act pmb.

³⁰ Id. § 3.

³¹ *About National Council for Persons with Disabilities*, Nat'l Council for Persons with Disabilities, <https://perma.cc/8M99-XJJM>.

³² Persons with Disabilities Act §§ 11-31.

³³ Id. §§ 32-34.

In addition to the Persons with Disabilities Act of 2003, there are a number of other laws that include provisions affording protection to persons with disabilities.³⁴

Further, a number of the 47 county governments in Kenya have enacted laws relating to persons with disabilities.³⁵

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

The Kenya Institute for the Blind (KIB), an organization within the Ministry of Education, runs a national braille library serving primary, secondary, and tertiary institutions, as well as the general public braille readers.³⁶ KIB provides the following additional services:

³⁴ Public Procurement and Asset Disposal Act (Jan. 7, 2016), <https://perma.cc/S4CE-MV3K>; Employment Act (June 2, 2008), <https://perma.cc/784V-DBCQ>; Public Service (Values and Principles) Act (June 4, 2015), <https://perma.cc/92WE-R4YS>; Sexual Offences Act (July 21, 2006), <https://perma.cc/CX6J-NJEV>; Social Assistance Act (Jan. 25, 2013), <https://perma.cc/587P-R3PS>; Mental Health Act (May 1, 1991), <https://perma.cc/PZ8Y-D3HA>; Basic Education Act (Jan. 25, 2013), <https://perma.cc/Y7RL-WY56>; Penal Code (Aug. 1, 1930), <https://perma.cc/T4PG-8C6T>; Children Act (July 26, 2022), <https://perma.cc/7VSD-YZUL>; Criminal Procedure Code (Aug. 1, 1930), <https://perma.cc/LM7T-5B7Z>; Marriage Act (May 20, 2014), <https://perma.cc/Y582-P2PN>; Elections Act (Dec. 2, 2011), <https://perma.cc/PF92-68JT>; National Social Security Fund Act (Jan. 10, 2014), <https://perma.cc/J424-FM5D>; Social Health Insurance Act (Nov. 22, 2023), <https://perma.cc/ZRN7-U4G6>; County Government Act (Mar. 9, 2013), <https://perma.cc/SN3S-HMR9>; Public Finance Management Act (Aug. 27, 2012), <https://perma.cc/J963-LPFH>; Counter-Trafficking in Persons Act (Oct. 1, 2012), <https://perma.cc/682A-C3WF>; Data Protection Act (Nov. 25, 2019), <https://perma.cc/XCX3-Z7TL>; Victim Protection Act (Oct. 3, 2014), <https://perma.cc/PQ6D-659M>; National Employment Authority Act (Apr. 21, 2016), <https://perma.cc/EHT7-ZPRQ>; Evidence Act (Dec. 8, 1963), <https://perma.cc/38HS-P2RN>; Health Act (July 7, 2017), <https://perma.cc/PHN6-32N8>; Work Injury Benefits Act (June 2, 2008), <https://perma.cc/FN47-KR4E>; Witness Protection Act (Sept. 1, 2008), <https://perma.cc/3Q42-PS3G>; Intergovernmental Relations Act (Mar. 9, 2013), <https://perma.cc/LL6C-R8FV>; Trustees (Perpetual Succession) Act (May 31, 1923), <https://perma.cc/ZPS8-UV89>; Kenya National Commission Human Rights Act (Aug. 30, 2011), <https://perma.cc/3B8T-JV4N>; National Gender and Equality Commission Act (Aug. 30, 2011), <https://perma.cc/EBZ7-XAAE>; Persons with Disabilities (Income Tax Deductions and Exemptions) Order (Apr. 1, 2010), <https://perma.cc/BEG3-4HYT>; Civil Procedure Act (Jan. 31, 1924), <https://perma.cc/8Z8L-FVAQ>; Civil Procedure Rules (Sept. 17, 2010), <https://perma.cc/37SL-HAX3>; Kenya Citizenship and Immigration Act (Aug. 30, 2011), <https://perma.cc/RR6A-PTY8>; HIV and AIDS Prevention and Control Act (Dec. 30, 2006), <https://perma.cc/6A3U-QSLJ>; Law of Succession Act (July 1, 1981), <https://perma.cc/6NCU-3CZU>; Persons Deprived of Liberty Act (Jan. 15, 2015), <https://perma.cc/ANE2-H26T>; Trust of Land Act (Dec. 22, 1941), <https://perma.cc/2U5K-28KA>; Access to Information Act (Sept. 21, 2016), <https://perma.cc/P936-EUSZ>; County Assembly Service Act (July 27, 2017), <https://perma.cc/SE3M-YS46>; and Traffic Act (Jan. 1, 1954), <https://perma.cc/6EEF-7J49>. See also USAID, *A Comprehensive Landscape Analysis of Disability at the County and National Levels in Kenya for Informed Policy and Full Social Inclusion* 19 (Jan. 2024), <https://perma.cc/8GYU-7EYY>.

³⁵ KNCHR, *Review of County Legislation on the Rights of Persons with Disabilities*, supra note 1, at 41.

³⁶ *What We Do: Braille Library Services*, Kenya Inst. for the Blind, <https://perma.cc/NWP6-VM5F>.

1. Braille and de-braille examination scripts for colleges offering special education.
2. Thermoforming services
3. Repair and maintenance of braille equipment
4. Book/documents binding services
5. Cutting and distribution of Braille papers.³⁷

Another public institution engaged in the provision of services for persons with disabilities, mainly the visually impaired, is the Kenya Society for the Blind (KSB). Established under the 1956 Kenya Society for the Blind Act, one of KSB's objects is "to promote the welfare, education, training and employment of the blind."³⁸ The organization is involved "in importing assistive devices for education institutions in Kenya. Most students with visual impairment are equipped with adapted computer skills that enable them to pursue higher education with ease."³⁹ According to KSB, it "uses the integration approach to Education where most learners with visual impairment learn alongside the sighted students. This enables the learners with visual impairment [to] exploit their full potential in class work and outdoor activities."⁴⁰

Likewise, the Kenya National Library Service (KNLS) offers programs for communities unable to access libraries, including braille services through institutions dealing with visually impaired persons.⁴¹ According to the KNLS, "[t]he service for the blind started at the headquarters [in 1996] but later on cascaded to many other branches in the network, most of the provincial libraries provide the service for the blind, although not all districts and divisional libraries have the service this is due to some challenges that face provision of the service. Notably the common include very high cost of technologies and materials for the blind amongst others."⁴²

2. *Public Legal Information*

The Access to Information Act of 2016 includes language relating to the rights of persons with disabilities to information. The act provides that a public entity must facilitate access to information held within the entity and must do so, among other things, in a manner accessible to persons with disabilities.⁴³

Although the act requires a written application to access information, "[w]here an applicant is unable to make a written request for access to information . . . the information [access] officer shall take the necessary steps to ensure that the applicant makes a request in [a] manner that meets their needs."⁴⁴ Failure of the information access officer "to take reasonable steps to make

³⁷ Id.

³⁸ Kenya Society for the Blind Act § 4 (Oct. 18, 1956), <https://perma.cc/UAK8-DYZ4>.

³⁹ *Education*, Kenya Soc'y for the Blind, <https://perma.cc/4WN3-SZ3E>.

⁴⁰ Id.

⁴¹ *Outreach Services*, Kenya Nat'l Libr. Servs., <https://perma.cc/52CA-G6EA>.

⁴² *Braille Library Services*, Kenya Nat'l Libr. Servs., <https://perma.cc/CC3K-6JC4>.

⁴³ Access to Information Act § 5 (Sept. 21, 2016), <https://perma.cc/P936-EUSZ>.

⁴⁴ Id. § 8(2).

information available in a form that is capable of being read, viewed or heard by a requester with [a] disability” is an offense.⁴⁵

Sign language is one of the official languages of Kenya’s Parliament. The “official languages of Parliament” clause of the Constitution states that “[t]he official languages of Parliament shall be Kiswahili, English and Kenyan Sign language, and the business of Parliament may be conducted in English, Kiswahili and Kenyan Sign language.”⁴⁶ The National Assembly standing orders mandates that all proceedings must be conducted in Kiswahili, English, and Kenyan Sign Language.⁴⁷ The Senate standing orders impose the same requirement.⁴⁸

B. Right to Access to Justice

The Constitution guarantees access to justice. The “access to justice” clause provides that “[t]he State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.”⁴⁹ The Constitution of Kenya (Protection of Rights and Fundamental Freedom) Practice and Procedure Rules are more specific with regard to the application of this right to persons with disabilities. Under the rules, in any proceedings to enforce the Bill of Rights provisions of the Constitution, the court must “pursue access to justice for all persons including . . . persons with disabilities.”⁵⁰

The “legal system” clause within the Persons with Disabilities Act mandates that the appropriate government institutions develop rules regarding access to and accommodations when persons with disabilities interact with the legal system on either side of a matter. It states that

- (1) The Attorney-General, in consultation with the Council and the Law Society of Kenya, shall make regulations providing for free legal services for persons with disabilities with respect to the following –
 - (a) matters affecting the violation of the rights of persons with disabilities or the deprivation of their property;
 - (b) cases involving capital punishment of persons with disabilities; and
 - (c) such matters and cases as maybe prescribed in the regulations made by the Attorney-General.
- (2) The Chief Justice shall make rules providing for –
 - (a) the exemption, for persons with disabilities, from the payment of fees in relation to matters or cases described in subsection (1); and

⁴⁵ Id. § 28.

⁴⁶ Constitution of Kenya § 120.

⁴⁷ National Assembly Standing Orders § 77 (6th ed. June. 7, 2022), <http://www.parliament.go.ke/sites/default/files/2023-03/NATIONAL20ASSEMBLY20STANDING20ORDERS20-206TH20EDITION-4-1.pdf>.

⁴⁸ Senate Standing Orders § 92 (Mar. 23, 2023), <http://www.parliament.go.ke/sites/default/files/2023-04/SENATE20STANDING20ORDERS20-20202320REVISION20iii.pdf>.

⁴⁹ Constitution of Kenya § 48.

⁵⁰ Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules § 3(7) (July 12, 2013), <https://perma.cc/7NHJ-QW7N>.

- (b) the provision, to persons with disabilities who attend court, of free sign language interpretation, Braille services and physical guide assistance.
- (3) Accused persons who are denied bail shall be entitled to be held in custody in facilities modified in accordance with regulations made by the Cabinet Secretary.
- (4) The Chief Justice shall endeavour to ensure that all suits involving persons with disabilities are disposed of expeditiously having due regard to the particular disability and suffering of such persons.⁵¹

The 2009 Persons with Disabilities (Cost, Care, Support and Maintenance) Regulations mandate the National Council for Persons with Disabilities to

promote and advise in the development and implementation by local authorities, community based organizations and other stakeholders, of suitable community based rehabilitation and welfare programs for the inclusion, integration, maintenance, care and support of children and persons with disabilities, including offenders with disabilities who may at the material time be serving a probationary sentence and ex-prisoners, in the respective communities.⁵²

Persons with disabilities serving a criminal sentence have the right to equal protection of the law and accommodations commensurate to their needs. The relevant law provides that

- (1) Where persons with disabilities are deprived of liberty under any legal process, they shall be treated on an equal basis with others and shall be entitled to such guarantees as are in accordance with the Constitution and the law relating to the protection of the rights of persons with disabilities.
- (2) Persons with disabilities deprived of liberty shall be accommodated in facilities that adequately meet their personal needs, taking into account the condition and nature of their disability.
- (3) The Competent Authorities shall take appropriate measures to facilitate humane treatment and respect for the privacy, legal capacity and inherent human dignity of persons with disabilities deprived of liberty.⁵³

Under the Victim Protection Act, disability is one of the reasons for declaring a victim of an offense a vulnerable victim.⁵⁴ A vulnerable victim is accorded a number of rights, including receiving “special consideration from the criminal justice agencies and victim support service providers in matters related to victim protection and welfare services.”⁵⁵

Article 13 of the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa, which is part of Kenyan law, includes a provision specifically on the issue of access to justice.

⁵¹ Persons with Disabilities Act § 38.

⁵² Persons with Disabilities (Cost, Care, Support and Maintenance) Regulations, § 3 (LN No. 63 of 2009) (May 29, 2009), <https://perma.cc/P7PW-546H>.

⁵³ Persons Deprived of Liberty Act § 23 (Jan. 14, 2015), <https://perma.cc/ANE2-H26T>.

⁵⁴ Victim Protection Act §§ 2, 17 (Oct. 3, 2014), <https://perma.cc/PQ6D-659M>.

⁵⁵ Id. § 17.

1. States Parties shall take measures to ensure that persons with disabilities have access to justice on an equal basis with others, including through the provision of procedural, age and gender-appropriate accommodations, in order to facilitate their effective roles as participants in all legal proceedings.
2. States Parties shall take reasonable steps to ensure that customary law processes are inclusive and should not be used to deny persons with disabilities their right to access appropriate and effective justice.
3. All law enforcement and justice personnel shall be trained at all levels to effectively engage with and ensure the rights of persons with disabilities are recognised and implemented without discrimination.
4. State Parties shall ensure legal assistance including legal aid to persons with disabilities.⁵⁶

Likewise, the “access to justice” clause of the CRPD requires Kenya to ensure that persons with disabilities have effective access to justice, “including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.”⁵⁷

In addition, the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (non-binding guidelines) provide that “Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.”⁵⁸ It bars the use of solitary confinement against persons with disabilities if doing so would worsen their condition.⁵⁹

C. Right to Culture

The Persons with Disabilities Act provides that “[p]ersons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them to have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility.”⁶⁰ The act mandates that proprietors of public buildings adapt them “to suit persons

⁵⁶ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa art. 13.

⁵⁷ Convention on the Rights of Persons with Disabilities art. 13

⁵⁸ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) A/Res/70/175, Rule 5 (2) (Jan. 8, 2016), <https://perma.cc/47M4-ENHP>. After its revision, the UN General Assembly unanimously adopted the Nelson Mandela Rules in December 2015. (*UN General Assembly Unanimously Adopts Nelson Mandela Rules*, Prison Reform Trust (Dec. 23, 2015), <https://perma.cc/8ZE5-3FB6>.)

⁵⁹ Nelson Mandela Rules, r. 45.

⁶⁰ Persons with Disabilities Act § 21.

with disabilities in such manner as may be specified by the Council.”⁶¹ The act also requires operators of public service vehicles to make changes to accommodate persons with disabilities.⁶²

The Council for Persons with Disabilities has the authority to issue adjustment orders whenever it determines that “any premises, services or amenities are inaccessible to persons with disabilities by reason of any structural, physical, administrative or other impediment to such access.”⁶³ The act bars any person from denying a person with disability admission to any premise that members of the public are admitted to ordinarily or provision of any service to which members of the public have access unless the denial of service is done out of good faith concern for the safety of the person.⁶⁴ Failure to comply with an adjustment order or denial of admission to a premise or denial of provision of service to a person with a disability is an offense.⁶⁵

Persons with disabilities are “entitled, free of charge, to the use of recreational or sports facilities owned or operated by the Government during social, sporting or recreational activities.”⁶⁶ They are also entitled to take part in all national and international sports events.⁶⁷ Nonetheless, the Council’s authority to compel the government is limited in that its ability to issue an adjustment order against a government institution requires the consent of the cabinet secretary in charge of the institution.⁶⁸

According to the Kenya Institute for Public Policy Report and Analysis (KIPPRA), a number of initiatives have been implemented to improve the tourism experience of persons with disabilities.

For instance, efforts to promote beach tourism have been implemented to ensure that coastal destinations are accessible. Infrastructure improvements, including the development of wheelchair-accessible pathways and ramps, have been undertaken at popular beaches to facilitate easy mobility for PWDs. Additionally, the introduction of adaptive beach equipment, such as specialized wheelchairs designed for sandy terrains, has been done to provide those with mobility challenges the opportunity to fully enjoy the coastal environment. These measures contribute to making beach tourism in Kenya more accessible and inclusive for PWDs.⁶⁹

Making cultural landmarks and adventure tourism destinations more accessible appears to be a work in progress. KIPPRA notes that

⁶¹ Id. § 22.

⁶² Id. § 23.

⁶³ Id. § 24.

⁶⁴ Id. § 25.

⁶⁵ Id. § 26.

⁶⁶ Id. § 28.

⁶⁷ Id.

⁶⁸ Id. § 27.

⁶⁹ *Accessible Domestic Tourism for Persons with Disabilities in Kenya*, Kenya Inst. for Pub. Pol’y Rep. & Analysis (June 12, 2024), <https://perma.cc/GZA5-7M9Y>.

Kenya is working towards enhancing universal accessibility by adopting inclusive design principles in cultural sites and attractions. Efforts include the incorporation of features such as ramps and tactile signage to make historical and cultural landmarks more navigable for visitors with mobility or visual impairments. Cultural events and festivals are increasingly considering the needs of PWDs, with some events providing sign language interpreters and accessible seating arrangement[s]. . . .

In the adventure tourism sector, Kenya is exploring ways to make adventurous activities more inclusive by adopting special packages and services. For instance, access to Kenya Wildlife Service (KWS) Parks and reserves is free to all PWDs. This has greatly helped cut down the costs of taking part in adventure tourism by PWDs. The Nairobi National Park enhances accessibility to PWDs as their paths are barrier free, thus accessible to wheelchair users. Some adventure tour operators are offering adaptive adventure programmes designed for individuals with various abilities. This includes providing accessible equipment for activities such as hiking, zip-lining, and wildlife safaris. They also offer special packages and free offers to PWDs and their guardians while promoting their inclusivity campaigns.⁷⁰

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

One of the recommendations of the Committee on the Rights of Persons with Disabilities in 2015 was that Kenya review the Persons with Disabilities Act of 2003, the primary legislation governing issues around persons with disabilities, which was enacted prior to enactment of the Kenyan 2010 Constitution and before Kenya ratified a number of key international conventions.⁷¹

There have been several attempts to reform the 2003 Persons with Disabilities Act over the years. According to a National Assembly report on a bill aimed at replacing the 2003 Persons with Disabilities Act, there are currently a number of reasons that necessitate reform.

Four significant events in the last two decades necessitated a review of the existing law on PWDs. First, in 2008 Kenya became party to the United Nations Convention on the Rights of the Persons with Disabilities (2006) (CRPD), which established transformative norms and standards on the rights of persons with disabilities. Second, in 2010, the Constitution of Kenya was promulgated, including specific and robust provisions covering the rights of persons with disabilities. Thirdly, in 2015, the Committee on the Rights of Persons with Disabilities issued its initial concluding observations to Kenya, making multiple recommendations on how Kenya should ensure the rights of persons with disabilities. Finally, in January 2022, Kenya deposited its instrument of ratification on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with

⁷⁰ Id.

⁷¹ United Nations Committee on the Rights of Persons with Disabilities, *Concluding Observations in Relation to the Initial Report of Kenya [Concluding Observations]*, Sept. 4, 2015, Part III (A) (CRPD/C/KEN/CO/1), <https://perma.cc/WQN4-99NC>.

Disabilities in Africa (2018) (Disability Rights Protocol), which affirms and contextualises the rights of persons with disabilities on the continent.⁷²

It appears that there are currently six bills before the National Assembly and the Senate relating to persons with disabilities. The main bills seeking to replace the 2003 Persons with Disabilities Act are the Persons with Disabilities Bill 2023 (National Assembly)⁷³ and the Persons with Disabilities Bill (Senate).⁷⁴

In addition, the National Assembly is considering the Kenyan Sign Language Bill (which aims to provide recognition, promotion, development and use of Kenyan Sign Language.⁷⁵ The Senate is also considering a bill with the same name, the principal objective of which is “to provide for the use of sign language in judicial proceedings, schools and public institutions to ensure that deaf learners are given the same opportunities as all other learners to be productive members of the society.”⁷⁶

The Senate is also considering the Learners with Disabilities Bill, which aims to provide “a proper legal framework in order to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all the three levels of education in Kenya.”⁷⁷

Further, a recently proposed Senate bill aims to amend the Constitution “to provide for additional seats in the National Assembly and Senate in order to implement the [constitutional] principle of at least five percent of the members of the public in elective and appointive bodies should be persons with disability.”⁷⁸

⁷² Nat'l Assemb. Departmental Comm. on Labour & Soc. Welfare, Report on the Consideration of Persons with Disabilities Bill, 2021, 12 (May 10, 2022), <http://www.parliament.go.ke/sites/default/files/2022-05/Report20on20the20consideration20of20the20Persons20with20Disabilities20Bill2C20202128129.pdf>.

⁷³ Persons with Disabilities Bill, 2023 (June 12, 2023), Kenya Gazette Supplement No. 84, <https://perma.cc/27ZX-AR7S>.

⁷⁴ Persons with Disabilities Bill, 2023 (Feb. 20, 2023), Kenya Gazette Supplement No. 16, <https://perma.cc/T4Y6-QFHQ>.

⁷⁵ Kenyan Sign Language Bill (Nat. Assemb.), 2024 (Jan. 12, 2024), Kenya Gazette Supplement No. 3, <https://perma.cc/TN7F-9GPK>.

⁷⁶ Kenyan Sign Language Bill (Sen.). 223 (Feb. 28, 2023), Kenya Gazette Supplement No. 21, <https://perma.cc/36XT-TYPX>.

⁷⁷ Learners with Disabilities Bill, 2023 (Jan. 31, 2023), Kenya Gazette Supplement No. 8, <https://perma.cc/V2JT-J3WK>.

⁷⁸ Constitution of Kenya (Amendment) Bill, 2024, Memorandum of Objectives and Reasons (Mar. 21, 2024), <https://perma.cc/P5JK-B4SB>.

Malta

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SUMMARY The Maltese Constitution prohibits discriminatory laws and there are a number of laws and regulations that protect, promote, and ensure the equal rights of people with disabilities. These include the United Nations Convention on the Rights of Persons with Disabilities Act. This act provides that people with disabilities should have full and equal enjoyment of human rights and fundamental freedoms and that this should be promoted and protected. This act places a duty on those that provide goods, facilities, services, education, health, and employment to provide reasonable accommodation to people with disabilities.

I. Introduction

Malta's Constitution provides that no law may be made that is discriminatory in and of itself, or in its effect.¹ In addition to the constitutional prohibition on discrimination, Malta has enacted a number of laws and regulations to protect, promote, and ensure that people with disabilities have equal rights. Reasonable accommodations must be made in most circumstances to help ensure these rights are met. Malta has published the *National Strategy on the Rights of Disabled Persons*, which sets out a number of targets, along with a timeframe to achieve these targets.

Malta's international obligations, such as the Marrakesh Treaty,² the United Nations (UN) Convention on Disability Rights, and the optional protocol,³ have been implemented into its national legislation.⁴

¹ Constitution of Malta, <https://perma.cc/33AQ-J5HD>.

² *WIPO-Administered Treaties: Marrakesh VIP Treaty*, WIPO, <https://perma.cc/46J4-7KDB>.

³ Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, <https://perma.cc/Q47D-ED59>; *Convention on the Rights of Persons with Disabilities Information*, UNTC, <https://perma.cc/DKQ2-YSTB>; Optional Protocol to the Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2518 U.N.T.S. 283, <https://perma.cc/6UH9-QPGC>.

⁴ United Nations Convention on the Rights of Persons with Disabilities Act, cap. 627, <https://perma.cc/UT9A-AP6X>; Equal Opportunities (Persons with Disability) (Amendment) Act 2021, No 58/2021, <https://perma.cc/HA7J-FPEA>; Permitted Use of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled Order, SL 460.36, <https://perma.cc/ETY8-P45Q>.

II. Legal Framework

A. Constitutional Protections

Malta has a written constitution. Article 45 of this constitution provides that no law may be made that is discriminatory in and of itself or in its effect.⁵ It defines the term “discriminatory” as

affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.⁶

B. International Obligations

Malta is not an individual signatory to the Marrakesh Treaty, but is bound by it by virtue of its membership in the European Union (EU),⁷ which signed the Marrakesh Treaty on April 30, 2014 and it entered into force for the EU on January 1, 2019.⁸ The EU implemented the obligations stemming from the Marrakesh Treaty in Directive (EU) 2017/1564⁹ and Malta made subsidiary legislation under the Copyright Act to implement these obligations in its national law in the form of the Permitted Use of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled Order. This order establishes a set of rules on the creation and use of accessible copies¹⁰ of copyright work for the benefit of individuals, referred to in the order as “beneficiary persons.” The term “beneficiary persons” in the order

means, regardless of any other disabilities, a person who:

- a) is blind;
- b) has a visual impairment which cannot be improved so as to give the person visual function substantially equivalent to that of a person who has no such impairment, and who is, as a result, unable to read printed works to substantially the same degree as a person without such an impairment;
- c) has a perceptual or reading disability and is, as a result, unable to read printed works to substantially the same degree as a person without such disability; or

⁵ Const. art 45.

⁶ Id.

⁷ *WIPO-Administered Treaties: Marrakesh VIP Treaty*, supra note 2.

⁸ Id.

⁹ Directive (EU) 2017/1564, 2017 O.J. (L 242) 6, <https://perma.cc/YC8W-Y4TD>.

¹⁰ The order defines accessible format copy as “a copy of a work or other subject matter in an alternative manner or form that gives a beneficiary person access to the work or other subject matter, including allowing such person to have access as feasibly and comfortably as a person without the impairments or disabilities referred to in relation to a beneficiary person.” Permitted Use of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled Order, SL 460.36, reg. 2.

- d) is otherwise unable, due to a physical disability, to hold or manipulate a book or to focus or move their eyes to the extent that would be normally acceptable for reading.¹¹

The order allows authorized entities,¹² beneficiary persons, or those acting on their behalf to make accessible copies of work without the authorization of the right holder provided this does not “conflict with a normal exploitation of the work . . . and do[es] not unreasonably prejudice the legitimate interests of the right-holder.”¹³ Accessible copies of the work must “respect the integrity of the work . . . with due consideration given to the changes required to make the work or other subject matter accessible in the alternative format.”¹⁴

Accessible copies made by a beneficiary person, or a person acting on their behalf, must only be for the exclusive use of the beneficiary person. Authorized entities may only make accessible copies of works they have lawful access to and can communicate, make available, distribute, or lend these accessible copies to a beneficiary person or another authorized entity on a non-profit basis to enable the exclusive use of the material by a beneficiary person.¹⁵

The order places several obligations on authorized entities. Authorized entities are responsible for ensuring that beneficiary persons, or persons acting on their behalf, can obtain or access an accessible format copy from any authorized entity in Malta or any member state. It must also keep and provide an accessible list of works upon the request of beneficiary persons, authorized entities, or rights holders of works that it has in accessible format copies, the formats of the accessible works that it has available, and the name and contact details of other authorized entities with whom it has exchanged these accessible materials.¹⁶ When carrying out these obligations, the authorized entities must establish and follow procedures to ensure that it

- a) distributes, communicates and makes available accessible format copies only to beneficiary persons or other authorised entities;
- b) takes appropriate steps to discourage the unauthorised reproduction, distribution, communication to the public or making available to the public of accessible format copies;
- c) demonstrates due care in and maintains records of, its handling of works or other subject matter and of accessible format copies thereof; and
- d) publishes and updates on its website if appropriate, or through other online or offline channels, information on how it complies with the obligations laid down in paragraphs (a) to (c).¹⁷

¹¹ Id.

¹² The order defines authorized entities as “an entity that is authorised or recognised by Government of Malta to provide education, instructional training, adaptive reading or information access to beneficiary persons on a non-profit basis. It also includes any public institution or non-profit organisation that provides the same services to beneficiary persons as one of its primary activities, institutional obligations or as part of its public interest missions”. Id.

¹³ Id. reg. 3.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. reg. 5.

The government may provide a compensation plan for rights holders if copyright holders in Malta suffer harm due to accessible format copies being made by authorized entities established in Malta.¹⁸

Malta ratified the United Nations (UN) Convention on Disability Rights and its optional protocol. It has incorporated the obligations of this convention into its national laws through the United Nations Convention on the Rights of Persons with Disabilities Act and an amendment to the Equal Opportunities (Persons with Disability) Act. These acts provide that people with disabilities should have full and equal enjoyment of human rights and fundamental freedoms and that this should be promoted and protected.¹⁹

In 2015, Malta adopted the United Nations 2030 Agenda for Sustainable Development and is working towards achieving the goals set by the agenda.²⁰

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

There are a number of pieces of legislation that provide for the protection of persons with disabilities in Malta. The primary piece of legislation is the United Nations Convention on the Rights of Persons with Disabilities Act. This act provides that people with disabilities should have full and equal enjoyment of human rights and fundamental freedoms and that this should be promoted and protected. The act further requires that reasonable accommodations are made to promote equality and eliminate discrimination.²¹ The act established the Directorate for Disability Issues (DDI) to be the national focal point for the implementation of the convention.²²

The United Nations Convention on the Rights of Persons with Disabilities Act states that the term “disability” shall be construed according to article 1 of the convention,²³ which provides

[p]ersons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.²⁴

The act provides that a person discriminates against someone if, due to the person’s disability, the person discriminating acts in a manner that

- a) inhibits the free thought, social and economic improvement, and the integration in society of that person;
- b) deprives the other person from the protection and rights provided by law;

¹⁸ Id. reg. 7.

¹⁹ European Commission, *Country Report, Non-discrimination, Malta 2024* (2024), <https://perma.cc/SNG6-UH7R>.

²⁰ *Sustainable Development Goals*, Sustainable Development, <https://perma.cc/H3XY-UB56>.

²¹ *Country Report, Non-discrimination, Malta 2024*, supra note 19.

²² United Nations Convention on the Rights of Persons with Disabilities Act art. 5.

²³ Id. art. 2.

²⁴ Id. art. 1.

- c) fails to provide full access to a person with disability for all those actions provided by law;
- d) fails to furnish information with regard to the rights of the other person by means of communication which the other person can understand;
- e) fails to offer help to the other person in procedures linked to an investigation, the giving of evidence and other similar procedures;
- f) knowingly limits or by any other act inhibits the enjoyment of any right acquired by the other person both inter vivos or causa mortis;
- g) refers to a person or persons, or addresses them in a language which is disrespectful, both directly as well as by references on all means of communication, such as, but not limited to, broadcasting, publishing and correspondence;
- h) in circumstances which are similar or are not materially different, and with different accommodation and, or, services that may be required by the person with a disability in no case being deemed as constituting said circumstances, he treats or proposes to treat a person who has a disability less favourably than he treats or would treat a person who does not have such a disability;
- i) treats or proposes to treat a person less favourably on the basis of a characteristic that appertains generally to persons who have such a disability, or a presumed characteristic that is generally imputed to persons who have such a disability;
- j) requires such other person to comply with a requirement or condition with which the majority of persons who do not have the disability comply or are able to comply, which is unreasonable in the circumstances of the case, and with which such other person does not comply or is unable to comply;
- k) treats or proposes to treat such other person less favourably than he treats or would treat others who do not have such a disability because of the fact that such other person is accompanied by or possesses any assistive means that is used by such other person or because of any matter related to that fact, whether or not it is the practice to treat in such less favourable manner any person who is accompanied by or is in possession of such assistive means;
- l) victimises any person for having made a complaint to the lawful authorities or for having initiated or participated in the proceedings for redress on grounds of an alleged breach of any of the provisions of this Act, or for having disclosed any information, confidential or otherwise, to a lawful authority regarding alleged discriminatory behaviour, activities or practices;
- m) subjects such other person to a particular disadvantage through an apparently neutral provision, criterion or practice;
- m) fails to publicise, in an effective manner, those goods, facilities and services provided by him to persons with disability, in order to eliminate discrimination prohibited under this Act;
- n) treats or proposes to treat such other person less favourably than he treats or would treat others who do not have such a disability because of the fact that such other person is accompanied by an interpreter, a reader, an assistant, or a carer, with such person providing interpretative, reading or other services to such other person because of the disability of such other person or because of any matter related to that fact, whether or not it is the practice to treat less favourably any person who is accompanied by an interpreter, a reader, an assistant or a carer, as the case may be.²⁵

The United Nations Convention on the Rights of Persons with Disabilities Act defines the term “discrimination on the basis of disability” as

²⁵ Id. sched. 4.

any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.²⁶

The United Nations Convention on the Rights of Persons with Disabilities Act places a duty on those that provide goods, facilities, services, education, health, and employment to provide reasonable accommodation to people with disabilities.²⁷ Reasonable accommodations are considered to be “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms.”²⁸

The Equal Opportunities (Persons with Disability) Act 2000 regulates the provision of reasonable accommodation and provides for a board, to be appointed by the Commissioner for the Rights of People with Disabilities.²⁹ The board acts to determine whether any action taken to fulfil the obligations imposed by the various acts are reasonable and whether they can be undertaken without unjustifiable hardship,³⁰ considering, but not limited to

- the nature and cost of the actions in question;
- the overall financial resources of the person, body, authority or institution concerned and the effect on expenses and resources or the impact of such actions upon the operations of such person, body, authority or institution; and
- the availability of grants from public funds to defray the expense of the said actions.³¹

The Equal Treatment of Persons Order provides that persons, establishments, or entities, in both the private and public sector, may not discriminate against any person in providing access to, or the supply of, goods and services that are available to the public. Failing to fulfil this obligation constitutes discrimination.³²

Discrimination in employment is prohibited by the Equal Treatment in Employment Regulations.³³ The regulations aim to “put into effect the principle of equal treatment in relation to employment by laying down minimum requirements to combat discriminatory treatment on the grounds of . . . disability.”³⁴ Employers are required to provide reasonable accommodations

²⁶ Id. sched. 1.

²⁷ *Country Report, Non-discrimination, Malta 2024*, supra note 19, at 34.

²⁸ United Nations Convention on the Rights of Persons with Disabilities Act sched. 1.

²⁹ Equal Opportunities (Persons with Disability) Act 2000 art. 20A cap. 413, <https://perma.cc/U6KJ-3DLN>.

³⁰ Id. art. 20.

³¹ Id. art. 20(2).

³² Equal Treatment of Persons, SL 460/15, art. 4, <https://perma.cc/Y55U-HY7G>.

³³ Equal Treatment in Employment Regulations, SL 452.95, <https://perma.cc/5TYL-GWPL>.

³⁴ Id. reg. 1(3).

to enable persons with disabilities to access, participate, or advance in employment or to undergo training, provided the measures do not impose a disproportionate burden on the employer.

III. Rights of Persons with Disabilities

A. Right to Information

Articles 9 and 21 of the The United Nations Convention on the Rights of Persons with Disabilities Act require states to take appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression, opinion, and access to information. This includes facilitating the use of accessible formats and technology, and facilitating the use of sign language, Braille, and alternative communication in official interactions.³⁵

The Websites and Mobile Applications of Public Sector Bodies Regulations³⁶ implemented the EU Web Accessibility Directive 2016.³⁷ The regulations require the websites and mobile applications of public sector bodies to be accessible, in particular to users with disabilities.³⁸ Information, such as parliamentary documents and court records that are available online, must meet accessibility standards. Public sector bodies are required to make website and mobile application accessible, including making them

- (a) perceivable, meaning that information and user interface components are presentable to users in ways they can perceive;
- (b) operable, meaning that user interface components and navigation are operable;
- (c) understandable, meaning that information and the operation of the user interface are understandable; and
- (d) robust, meaning that content must be robust enough to be interpreted in a reliable manner by a wide variety of user agents, including assistive technologies.³⁹

Public sector bodies are not required to take these measures if they would pose a disproportionate burden, defined in the act as being

measures that would impose an excessive organisational or financial burden on a public sector body, or would jeopardise the capacity of the body to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, whilst taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities.⁴⁰

³⁵ United Nations Convention on the Rights of Persons with Disabilities Act sched. 1.

³⁶ Websites and Mobile Applications of Public Sector Bodies Regulations, SL 418.03, <https://perma.cc/8H6A-K5X8>.

³⁷ Directive (EU) 2016/2102, 2016 O.J. (L 327) 59, <https://perma.cc/YV6D-HYKM>.

³⁸ Websites and Mobile Applications of Public Sector Bodies Regulations, SL 418.03, reg. 2.

³⁹ Id. reg. 4.

⁴⁰ Id. reg. 5.

The size and resources of the public sector body, along with the cost and benefit to the public body and the estimated benefit for users, are taken into account when determining if the measures impose a disproportionate burden.⁴¹ The regulations do not apply to live time-based media, to office file formats, or pre-recorded time-based media published prior to September 23, 2020.⁴²

The National Disability Strategy states that accessible information is a key component of social inclusion. Malta is working on developing an accessible information policy that aligns the different obligations imposed by the European Accessibility Act, the Marrakesh Treaty, and the EU's Website and Mobile Application Accessibility Directive and aims to include a set of guidelines that complies with international standards, such as WCAG, 2.1.⁴³ The DDI is in the process of conducting discussions to develop and update a comprehensive policy on information accessibility, which includes the accessibility of websites and availability of information in different formats, such as Easy Read and Braille.⁴⁴ The DDI is also working with education service providers to ensure that their materials are "available in a wide range of formats, particularly in electronic format, also in line with the tenets of the Marrakesh Treaty."⁴⁵

Malta has transposed Directive (EU) 2019/882 on the accessibility requirements for products and services into its national law through the Accessibility Measures (European Accessibility Act) Regulations.⁴⁶ These regulations will enter into force on June 28, 2025 and will require products, including websites, mobile applications, and e-books, to meet a number of accessibility requirements.⁴⁷

1. Publicly Funded NLS-Style Library

Malta does not have a publicly-funded national library service specifically for blind or visually impaired people. While there is no designated NLS-style library, the laws of Malta aim to ensure that both libraries and their collections are accessible for blind or visually impaired individuals.

As noted above, Malta has implemented the obligations of the Marrakesh Treaty into its national law. The Copyright Act provides protection to copyright works in Malta. Section 9 of this act provides that copyright protection does not include the right to prohibit the reproduction of work on a non-commercial basis for the benefit of people with a disability, if the copies are directly related to the disability.⁴⁸

⁴¹ Id. reg. 5.

⁴² Id. reg. 3.

⁴³ Government of Malta, *Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons*, ¶¶ 4.4.3-4.4.4, <https://perma.cc/ZJA8-FU9L>.

⁴⁴ Id. ¶¶ 4.4.1-4.4.2.

⁴⁵ Id. ¶ 4.5.1.

⁴⁶ Accessibility Measures (European Accessibility Act) Regulations, SL 627.03, <https://perma.cc/Z3RX-9X9G>.

⁴⁷ Id. regs. 3 & 4.

⁴⁸ Copyright Act, cap. 415, <https://perma.cc/Z4DR-R3RQ>.

The National Disability Strategy states that DDI is holding meetings with libraries to help secure libraries having

all intellectual property – such as books and dissertations – available in a wide range of formats, particularly in electronic formats, and with due importance being given to the use of assistive technology, also in line with the tenets of the Marrakesh Treaty.⁴⁹

2. Public Legal Information

As noted above, there is a duty under the UN Convention on the Rights of Persons with Disabilities Act to ensure that disabled persons have access to information, which includes “information and communication that facilitates effective participation of persons with disabilities for whatever roles they take in the justice system and in all legal proceedings.”⁵⁰

As noted above, the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 require public sector websites and mobile applications to be accessible to people with disabilities. This includes information, such as parliamentary documents and court records, that must meet accessibility standards.

The *Final Report: Access to Justice of Persons with Disabilities* states, “access to information and communication is extremely crucial from the initial stages of accessing the justice system.”⁵¹ To ensure continued progress in this area, the National Disability Strategy states that the DDI is to enter into discussions with the Court Services Agency

to ensure that the Courts of Justice, and the services that they offer, are accessible from a physical, including sensorial, as well as an informational and procedural point of view, and including in the provision of legal aid and other financial support measures, in line with relevant precepts contained in the UNCRPD.⁵²

B. Right to Access to Justice

As noted above, the United Nations Convention on the Rights of Persons with Disabilities Act places a duty on those that provide facilities and services to provide reasonable accommodation to people with disabilities.

Objective four of the *National Strategy on the Rights of Disabled Persons* states that it will act to ensure that people with disabilities are able to access both physical premises as well as information, as follows:

DDI, through its relevant mechanisms, and in consultation with CRPD, shall enter into discussions with stakeholders such as the Malta Police Force and LESA, in order to ensure

⁴⁹ *Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons*, supra note 43, ¶ 4.5.1.

⁵⁰ NUI Galway & the Institute for Lifecourse and Society, *Final Report: Access to Justice of Persons with Disabilities* (Dec. 2019), at 11, <https://perma.cc/D8PW-PDBM>.

⁵¹ *Id.*

⁵² *Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons*, supra note 43, ¶ 4.10.1.

that disabled persons are to enjoy physical, including sensorial access to premises (such as police stations), as well as informational accessibility (such as access to information on the internet), and access to services, including emergency services.⁵³

C. Right to Culture

The United Nations Convention on the Rights of Persons with Disabilities Act places a duty on those that provide facilities and services to provide reasonable accommodation to people with disabilities. This includes taking measures to ensure that people with disabilities have equal access to facilities and services that are open, or provided, to the public and requires the identification and elimination of obstacles and barriers to accessibility.⁵⁴ Objective 5 of the *National Strategy on the Rights of Disabled Persons* is to make cultural, leisure, and sporting venues, along with products associated with these venues, and outdoor public spaces accessible to all. The *National Strategy on the Rights of Disabled Persons* states that this action should be completed within nine years.⁵⁵

The DDI is planning to enter into discussions with stakeholders and the Disability Rights Ministry that identify and lead to the implementation of initiatives that encourage the “active participation of disabled persons in mainstream society, through cultural events, while ensuring that current shortfalls concerning accessibility of these events are addressed through appropriate initiatives.”⁵⁶

The *National Culture Policy 2021* acknowledges the work that Malta has done to provide access to culture to people with disabilities, but it has stated that work needs to continue to “go beyond the focus of physical access to cultural venues and ensure better and wider access to cultural materials in accessible formats and through new technologies and digital platforms, particularly for audio-visual media, TV and cinema content, and libraries.”⁵⁷

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

There does not appear to be any current legislative proposals on access to information for persons with disabilities in Malta.

⁵³ Id.

⁵⁴ United Nations Convention on the Rights of Persons with Disabilities Act, sched. 2.

⁵⁵ *Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons*, supra note 43, at 73.

⁵⁶ Id. ¶ 5.3.1.

⁵⁷ Government of Malta, *National Cultural Policy 2021*, at 43, <https://perma.cc/8R57-TUP6>.

New Zealand

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SUMMARY The rights of persons with disabilities in New Zealand are primarily protected through human rights and anti-discrimination laws, as well as through different laws related to, for example, health care, privacy, and building regulations. The New Zealand Sign Language Act 2006 makes New Zealand Sign Language an official language and establishes a right for it to be used in legal proceedings. In addition, the government has instituted various strategies, plans, and work programs related to the implementation of the Convention on the Rights of Persons with Disabilities. New Zealand has also ratified the Marrakesh Treaty related to access to published works for people who are print disabled, with the Copyright Act 1994 being amended to implement the new rules. The National Library of New Zealand has a Print Disabilities Collection and runs a Print Disabilities Service through which people with print disabilities can access audiobooks.

Websites run by government departments must adhere to a web accessibility standard. An Accessibility Charter has also been developed that commits signatory agencies to providing information and services in accessible formats. New Zealand legislation is published online in a way that meets the accessibility standard, and the New Zealand Parliament is also working to enhance accessibility of proceedings and information, including through closed captioning on Parliament TV. The courts can provide a variety of assistance to those involved in proceedings who have disabilities, including communication assistance to those with an intellectual or learning disability, autism or other neurodiversity, brain injury, or under-developed language or communication skills.

In the cultural sector, Creative New Zealand has developed an accessibility policy and action plan and provides funding for organizations that seek to enhance access to the arts. Sport New Zealand also has a disability plan related to improving access to sport and recreation experiences for persons with disabilities.

I. Introduction

New Zealand does not have a stand-alone law related to disability rights similar to the Americans with Disabilities Act. Instead, the rights of disabled people are protected through, for example, anti-discrimination legislation, laws related to health care and privacy, and building regulations. There is also a focus on meeting the obligations established in the Convention on the Rights of Persons with Disabilities through various policies, strategies, and action plans developed by government agencies.

In 2022, the United Nations Committee on the Rights of Persons with Disabilities published its concluding observations on the combined second and third periodic reports of New Zealand.¹ It identified several positive developments, but set out matters of concern across multiple areas, making a total of 60 recommendations for improvement in New Zealand's implementation of the convention.² For example, in relation to access to information, the committee noted its concerns about

- a) Gaps in the provision of government information in accessible formats, such as Easy Read, sign language, Braille, and tactile, augmentative and alternative means of communication;
- b) The shortage of New Zealand Sign Language interpreters, including trilingual interpreters who can interpret between New Zealand Sign Language, English and Te Reo Māori.
- c) The limited television channels that provide captioning and audio description with funding only provided on a yearly basis;
- d) The lack of specific initiatives to increase the provision of accessible information and communications for Māori persons with disabilities.³

In August 2023, the New Zealand government confirmed that it will progress, in some way, 51 of the 60 Concluding Observations of the committee, with the remaining nine being considered and noted.⁴

This report outlines the legal framework for the protection of the rights of persons with disabilities in New Zealand, and relevant activities in relation to three areas: right to information, right to access to justice, and right to culture.

II. Legal Framework

A. Constitutional Protections

New Zealand does not have a single constitutional text. The country's constitution is instead found in various statutes, court decisions, conventions, and the Treaty of Waitangi.⁵ This includes the New Zealand Bill of Rights Act 1990, which affirms, protects, and promotes human rights and

¹ United Nations Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Combined Second and Third Periodic Reports of New Zealand [Concluding Observations]*, U.N. Doc. CPRD/C/NZL/CO/2-3 (Sept. 26, 2022), <https://perma.cc/PDW3-C6KW>.

² *Response to Recommendations from Second UNCRPD Examination*, Whaikaha – Ministry of Disabled People, <https://perma.cc/2EXK-U7XX>.

³ *Concluding Observations*, *supra* note 1, at 9.

⁴ Press Release, Priyanca Radhakishnan, New Zealand Affirms International Commitment to Disability Community (Aug. 25, 2023), <https://perma.cc/4D8N-8DLW>; Office of the Minister for Disability Issues, Paper for Cabinet Social Wellbeing Committee, *United Nations Convention on the Rights of Persons with Disabilities: Government Response and Proposed Mechanisms to Support Implementation* (June 2023), <https://perma.cc/4FYF-E99U>.

⁵ Kenneth Keith, *On the Constitution of New Zealand: An Introduction to the Foundations of the Current Form of Government*, Office of the Governor-General (1990, updated 2008, 2017, 2023), <https://perma.cc/VX4S-F8XJ>.

fundamental freedoms in New Zealand.⁶ The act states that everyone has the right to freedom from discrimination based on any of the prohibited grounds listed in the Human Rights Act 1993.⁷

The Human Rights Act 1993 lists, in part 2, section 21, the prohibited grounds of discrimination, including “disability,” which means

- (i) physical disability or impairment:
- (ii) physical illness:
- (iii) psychiatric illness:
- (iv) intellectual or psychological disability or impairment:
- (v) any other loss or abnormality of psychological, physiological, or anatomical structure or function:
- (vi) reliance on a disability assist dog, wheelchair, or other remedial means:
- (vii) the presence in the body of organisms capable of causing illness:⁸

The Bill of Rights Act permits justified limitations on rights,⁹ and the Human Rights Act also contains various explicit exceptions related to disability, such as in the context of employment, access to places and facilities, insurance policies, accommodation, and education.

The Bill of Rights Act applies to the executive, legislative, and judicial branches of the New Zealand government, as well as to acts done by any other person or body in the “performance of a public function, power, or duty conferred or imposed . . . by or pursuant to law.”¹⁰

Part 2 of the Human Rights Act, containing the prohibited grounds of discrimination, applies to services offered to the public by the private sector, although only in certain areas: “employment (including partnerships, and discrimination by industrial and professional associations, qualifying bodies and vocational training bodies); access to public places and vehicles; the provision of goods and services; the provision of accommodation; and access to educational establishments.”¹¹

New Zealand Sign Language was made an official language of the country by the New Zealand Sign Language Act 2006.¹² As outlined further in this report, the act establishes a right to use New Zealand Sign Language in legal proceedings. The act also sets out principles to guide government departments regarding the use of New Zealand Sign Language.

⁶ New Zealand Bill of Rights Act 1990, long title, <https://perma.cc/XW4D-H6ZS>.

⁷ Id. s 19(1).

⁸ Human Rights Act 1993 s 21(1)(h), <https://perma.cc/HU2A-DGSL>.

⁹ New Zealand Bill of Rights Act 1990 s 5.

¹⁰ Id. s 3.

¹¹ *Human Rights in Legislation*, Te Kāhui Tika Tangata – Human Rights Commission, <https://perma.cc/GKM9-PMCN>.

¹² New Zealand Sign Language Act 2006, <https://perma.cc/GP66-KY85>.

B. International Obligations

New Zealand ratified the United Nation's Convention on the Rights of Persons with Disabilities in September 2008. It acceded to the Convention's Optional Protocol in October 2016.¹³ The New Zealand Disability Strategy 2016–2026 was developed to implement the convention.¹⁴ The Disability Act Plan 2019–2023 aimed to deliver the eight outcomes of the strategy through a “package of 29 work programmes that have a disability perspective.”¹⁵ Most of these work programs were expected to continue beyond 2023.

New Zealand acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled in October 2019,¹⁶ and the Copyright (Marrakesh Treaty Implementation) Amendment Act 2019 came into force in January 2020.¹⁷ The relevant provisions are now contained in the Copyright Act 1994. The Ministry of Business, Innovation and Employment administers the Copyright Act 1994, including the provisions that implement the Marrakesh Treaty. The Intellectual Property Office of New Zealand (IPONZ) is a business unit within the ministry and provides information on copyright policies and issues.

Blind Low Vision NZ and the New Zealand library association, LIANZA, have compiled guidelines and a checklist to help public libraries in New Zealand put the Marrakesh Treaty into practice.¹⁸ Upon the New Zealand legislation coming into effect, the government stated that

[o]rganisations like the Blind and Low Vision NZ can access the braille translated or large print editions of books of similar agencies in Australia, Canada and the United Kingdom, without infringing copyright legislation of sovereign nations.

Now approved organisations can check with each other and access material if it is already available.¹⁹

¹³ See *Convention on the Rights of Persons with Disabilities*, Ministry of Justice, <https://perma.cc/U8MC-CPNZ>; *Rights of Disabled People*, Te Kāhui Tika Tangata – Human Rights Commission, <https://perma.cc/3GY8-MJAP>; *Disability Convention*, Whaikaha – Ministry of Disabled People, <https://perma.cc/UH6B-25AN>.

¹⁴ Office for Disability Issues, *New Zealand Disability Strategy 2016–2026* (Nov. 2016), <https://perma.cc/YSG2-4H2T>.

¹⁵ *Disability Action Plan 2019–2023*, Whaikaha – Ministry of Disabled People, <https://perma.cc/YUR4-H2ZH>.

¹⁶ *Marrakesh Treaty Enters into Force*, New Zealand Intellectual Property Office (Jan. 6, 2020), <https://perma.cc/28DE-RETF>; *The Marrakesh Treaty*, Ministry of Business, Innovation & Employment, <https://perma.cc/BE3J-QEDN>.

¹⁷ Copyright (Marrakesh Treaty Implementation) Amendment Act 2019, <https://perma.cc/KH89-F8Y7>.

¹⁸ LIANZA & Blind Low Vision NZ, *Marrakesh Treaty Guidelines for New Zealand Library & Information Services* (2021), <https://perma.cc/VV68-JZCE>.

¹⁹ Press Release, Carmel Sepuloni & Kris Faafoi, *Better Access to Books for Blind and Low Vision Citizens on World Braille Day* (Jan. 4, 2020), <https://perma.cc/8XHW-MX9Y>.

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

In addition to the Bill of Rights Act, Human Rights Act, the New Zealand Sign Language Act, and the amended Copyright Act, other laws that may apply in relation to protecting the rights of people with disabilities include the following:

- Health and Disability Commissioner Act 1994 and the associated Code of Health and Disability Services Consumers' Rights,
- Mental Health (Compulsory Assessment and Treatment) Act 1992,
- Protection of Personal and Property Rights Act 1988,
- Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003,
- Criminal Procedure (Mentally Impaired Persons) Act 2003,
- Privacy Act 1993,
- Injury Prevention, Rehabilitation and Compensation Act 2001, and
- Building Act 2004.²⁰

Government entities involved in the protection of the rights of persons with disabilities include Whaikaha – Ministry of Disabled People, which was established in 2022;²¹ Te Kāhui Tika Tangata Human Rights Commission (which includes the Disability Rights Commissioner); the Office of the Ombudsman, which “monitors the rights of disabled people and investigates related complaints about government agencies”;²² and the Health and Disability Commissioner.²³ In addition, the Disabled People’s Organisations Coalition is part of the independent monitoring mechanism for the implementation of the Convention on the Rights of Persons with Disabilities, along with the Ombudsman and Human Rights Commission.²⁴

²⁰ *Rights of Disabled People*, supra note 13.

²¹ See *Our Whakapapa*, Whaikaha – Ministry of Disabled People, <https://perma.cc/WY2S-EJDL>; Press Release, Carmel Sepulini & Poto Williams, Government Launches New Ministry of Disabled People (July 1, 2022), <https://perma.cc/H88H-X62H>.

²² *Fair Treatment for Disabled People*, Office of the Ombudsman, <https://perma.cc/23NY-C9CM>.

²³ *Homepage*, Health & Disability Commissioner, <https://perma.cc/EQY8-KGH5>.

²⁴ *Disabled People’s Organisations Coalition*, Whaikaha – Ministry of Disabled People, <https://perma.cc/GG5Z-7GN6>; *Monitoring the Disability Convention*, Te Kāhui Tika Tangata – Human Rights Commission, <https://perma.cc/G6V5-WXNX>.

Disability Support Services in the Ministry of Social Development provides funding towards specialist services for disabled people.²⁵ Financial assistance to persons with disabilities is provided by Work and Income.²⁶

In addition, the New Zealand Sign Language Board, established by the Cabinet in 2014, has the following purposes:

- promote and maintain the use of NZSL by ensuring the development and preservation and acquisition of the language
- ensure the rights of Deaf people and NZSL users to use NZSL as outlined in the NZSL Act 2006, United Nations Convention on the Rights of Persons with Disabilities and other national and relevant international legislation
- provide expert advice to government and the community on NZSL, including recommendations on allocation of the NZSL Fund.²⁷

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

Various hearing and vision services are funded by the government,²⁸ including certain equipment such as screen-reading software.²⁹

The National Library of New Zealand (NLNZ) maintains a Print Disabilities Collection and its Print Disabilities Service “offers audiobooks to adults, young adults and children who have a print disability. Borrowers can access the collection through participating libraries, special needs teachers and school libraries.”³⁰ The service caters to those who cannot independently read, hold, or turn the pages of a standard book because they are blind or visually impaired, have “physical disabilities which limit their ability to hold or manipulate information in a printed form,” or “have perpetual or other disabilities which limit their ability to follow a line of print or which affect their concentration.”³¹

²⁵ *Disabled People/Ko nga Tangata Haua*, Ministry of Social Development, <https://perma.cc/WW9L-VBZ5>; *Disability Support Services*, Ministry of Social Development, <https://perma.cc/S5UU-XS7A>. The government announced in August 2024 that disability support service responsibility would be shifted from Whaikaha to the Ministry of Social Development. Press Release, Louise Upton, Government Acts on Disability Review Findings (Aug. 15, 2024), <https://perma.cc/9H5S-JK3P>.

²⁶ *Health and Disability*, Work and Income, <https://perma.cc/9TYQ-TF6L>.

²⁷ *About the NZSL Board*, New Zealand Sign Language Board, <https://perma.cc/2E69-YU9D>.

²⁸ *Hearing and Vision Services*, Whaikaha – Ministry of Disabled People, <https://perma.cc/LB7D-8JTT>.

²⁹ *Blind or Reduced Vision Equipment*, Whaikaha – Ministry of Disabled People, <https://perma.cc/KSG7-PCEN>.

³⁰ *Print Disabilities Collection*, National Library of New Zealand, <https://perma.cc/YLY9-63ME>.

³¹ *Id.*

Blind Low Vision NZ, an incorporated society previously called the Royal New Zealand Foundation of the Blind or Blind Foundation, has a library that includes collections in Braille, as well as audiobooks.³² NLNZ notes that Blind Low Vision NZ has extended access to its digital collection to include people with other print disabilities.³³

2. Public Legal Information

The New Zealand government's Web Accessibility Guide states that "[a] mix of policy, legislation and Cabinet directives, as well as international obligations, require New Zealand Government[sic] organisations to make their websites accessible."³⁴ This includes the Convention on the Rights of Persons with Disabilities, the Bill of Rights Act and Human Rights Act, the Public Services Act 2020, and the New Zealand Disability Strategy.

Community Law, which provides free legal help in New Zealand, explains that

[t]he government has set a "Web Accessibility Standard" for all websites run by government departments. These include the Ministry of Justice, Work and Income (as part of the Ministry of Social Development), Statistics New Zealand, the New Zealand Police and the Ministry of Health.

The Standard requires these websites to be accessible through assistive technologies or through special accessibility features in mainstream website features. For example, a "show captions" option in a media player. The Standard is based on widely accepted international guidelines (the Web Content Accessibility Guidelines).

Website content has to be presented in a way that allows you to successfully access the website information with your assistive technologies. As an example, the standard would be breached if you're blind or visually impaired, and pictures used for navigating a page didn't have text alternatives that your assistive technology (like text-to-speech or magnification) can recognise and present to you.

The government recognises that if its websites are not accessible to disabled people, this is a breach of the UN Disability Convention and of our Human Rights Act 1993. The government's online introduction to its Web Toolkit says that the legal concept of "reasonable accommodation" clearly applies to department websites, and this means that "adequate allowance must be made in designing and planning websites for disabled access".³⁵

³² *Accessible Library*, Blind Low Vision NZ, <https://perma.cc/PHF5-WUJC>. The foundation became an incorporated society in 2012. In 2016, the Royal New Zealand Foundation of the Blind Repeal Bill was passed in order to make clear that the entity is completely independent. and because the 2002 legislation establishing the foundation was now redundant. The organization is primarily funded through donations. Press Release, Nicky Wagner, Royal NZ Foundation of the Blind Act Repeal Bill Passed (Aug. 26, 2016), <https://perma.cc/CSP5-BQ7F>; *Governance*, Blind Low Vision NZ, <https://perma.cc/7FSQ-J3DU>.

³³ *Print Disabilities Collection*, supra note 30.

³⁴ *Web Accessibility Guide – Legal and Policy Requirements*, New Zealand Government, <https://perma.cc/C9AL-2MGJ>.

³⁵ *Health & Disability – Accessible Information About Services*, Community Law, <https://perma.cc/Q8LS-JCJA>. Community Law notes that "[t]here are a range of state-owned organisations that aren't public service

The current New Zealand Government Web Accessibility Standard and Web Usability Standard became effective in July 2019. The standards “define how to make sure government websites are accessible and usable by everyone, including disabled people.”³⁶ The Cabinet originally directed core government agencies to implement the standards in 2003.³⁷ The standards are currently under review, with updated standards expected in early 2025.³⁸

Under the Disability Action Plan, the Ministry of Social Development is “delivering a programme of work to ensure the public sector is accessible for everyone and inclusive of disabled people.”³⁹ The first step in the program is for organizations to sign the Accessibility Charter in order to endorse their commitment to providing accessible information. Each agency then develops and implements a five-year program of work, “with the aim of accessibility becoming business as usual.”⁴⁰ The ministry provides a range of resources to assist government entities as well as training on the Accessibility Charter.⁴¹

The Accessibility Charter states that signatories commit to

- meeting the New Zealand Government Web Accessibility Standard and the Web Usability Standard, as already agreed, by 1 July 2017
- ensuring that our forms, correspondence, pamphlets, brochures and other means of interacting with the public are available in a range of accessible formats including electronic, New Zealand Sign Language, Easy Read, braille, large print, audio, captioned and audio described videos, transcripts, and tools such as the Telephone Information Service
- having compliance with accessibility standards and requirements as a high priority deliverable from vendors we deal with
- responding positively when our customers draw our attention to instances of inaccessibility in our information and processes and working to resolve the situation
- adopting a flexible approach to interacting with the public where an individual may not otherwise be able to carry out their business with full independence and dignity.⁴²

departments – for example, the Accident Compensation Corporation, Kāinga Ora (Housing New Zealand), and the NZ Qualifications Authority. These other organisations aren’t required to follow the government’s Web Accessibility Standard, but they are strongly encouraged to.” Id.

³⁶ *Web Standards Effective from July 2019*, Digital.govt.nz, <https://perma.cc/CM3Q-AT53>.

³⁷ *Web Standards Cabinet Minute and Paper*, Digital.govt.nz, <https://perma.cc/9XJ6-BVVP>.

³⁸ *Proposed Changes to Web Standards – Review 2024*, Digital.govt.nz, <https://perma.cc/9N6U-B5FL>.

³⁹ *The Accessibility Charter: A Commitment to Accessible Information*, Ministry of Social Development, <https://perma.cc/UBG3-YJGA>.

⁴⁰ Id.

⁴¹ Id. See also *Accessibility Guide: Leading the Way in Accessible Information*, Ministry of Social Development, <https://perma.cc/Y78F-UWBS>; *Accessibility – Quick Reference Guides*, Ministry of Social Development, <https://perma.cc/MNF7-ZLUJ>; *Accessible Information Training*, Ministry of Social Development, <https://perma.cc/M25W-B7EV>.

⁴² *The Accessibility Charter*, Ministry of Social Development, <https://perma.cc/5BZJ-N9TJ>.

As of September 2022, the charter had been signed by the chief executives of 40 government agencies, four districts, and three local government authorities.⁴³

The Ministry of Social Development is also responsible for “coordinating all-of-government’s management of alternate formats – Easy Read, New Zealand Sign Language (NZSL), Large Print, Braille and Audio.”⁴⁴ It has partnered with three disability organizations that provide advice to the government on alternate formats and provides a centralized service to assist agencies. The ministry states that alternate formats should be provided when information

- is for disabled people
- affects access to rights or responsibilities
- affects decisions and/or payments
- is confidential, personal, or legal
- is consultation or surveys
- has been requested in an alternate format.⁴⁵

In terms of legal information, the New Zealand Legislation website, maintained by the Parliamentary Counsel Office (PCO), was designed to comply with the New Zealand Government Web Accessibility and Usability Standards.⁴⁶ PCO has also recently published Secondary Legislation Access Standards, which seek to assist regulatory agencies to meet legal requirements and best practice for access to secondary legislation that they draft and publish. The standards state that publication of secondary legislation should meet the New Zealand Government Web Accessibility Standard “to ensure that disabled people are not discriminated against.”⁴⁷

In the Parliament, an Accessibility Reference Group operated between June 2021 and April 2023. A Senior Accessibility Adviser now works with the Parliamentary Service and Office of the Clerk of the House of Representatives to “identify and address barriers to accessing Parliament and its processes.”⁴⁸

The two parliamentary agencies have an accessibility policy, with the agencies adhering to the following principles with respect to access to proceedings and information:

- Members of Parliament with disabilities can access and participate in parliamentary proceedings;
- Identified barriers to the public’s participation in parliamentary proceedings are removed;

⁴³ *The Accessibility Charter*, Office for Disability Issues, <https://perma.cc/W6PL-5Y8Z>.

⁴⁴ *Alternate Formats – All-of-Government Process*, Ministry of Social Development, <https://perma.cc/H6RS-YT76>.

⁴⁵ *Id.*

⁴⁶ *About this Site – Accessibility*, New Zealand Legislation, <https://perma.cc/4TBQ-UUWJ>.

⁴⁷ *Secondary Legislation Access Standards – Standard 5*, Parliamentary Counsel Office, <https://perma.cc/6FJ8-BEAT>.

⁴⁸ *Accessibility Reference Group*, New Zealand Parliament, <https://perma.cc/9C8G-HEG4>. See also Johnny Blades, *Disability Access a Work in Progress for Parliament*, RNZ (May 28, 2023), <https://perma.cc/UD35-UHZV>.

- Reasonable accommodation will be made for persons with disabilities to participate in parliamentary proceedings;
- Information about Parliament is made publicly available;
- The accessibility of information about Parliament is regularly reviewed and improved.⁴⁹

In 2016, closed captions were made available on live Parliament TV broadcasts of all proceedings in the House of Representatives.⁵⁰ In 2017, closed captions also became available when watching Parliament TV on demand online.⁵¹ In 2014, the Standing Orders were amended to allow members of Parliament to address the House in New Zealand Sign Language. A series of videos in New Zealand Sign Language have been created to explain how Parliament works.⁵²

In terms of the use of New Zealand Sign Language to ensure accessibility to government information and services, Community Law states that

[a]s far as is practical, government departments like Work and Income, the police, and Inland Revenue must make their services and information accessible to users of NZSL, including by using NZSL themselves.

If possible, you should let staff members know in advance that they'll need to provide an interpreter.

You can tell the department if you have special requirements, and they will do their best to book an appropriate and free interpreter. For instance, you can say you want someone of the same gender as you for a health-related appointment, or someone familiar with older or younger people's signing styles. If they can't provide exactly what you want, the staff should work with you to come to an arrangement that will work.

You should never need to pay for the interpreter yourself.⁵³

In addition, New Zealand Relay is a "free, government-funded service that enables people with hearing and speech impairments to use the phone."⁵⁴ Assistance is available to people who are deaf, deafblind, hard of hearing, and speech impaired. The service's website explains that

[i]n 2004, the New Zealand Government set out to establish a national telecommunications relay service for the Deaf, hard of hearing, Deafblind, and speech impaired communities

⁴⁹ *Website Accessibility*, New Zealand Parliament (Jan. 12, 2016, updated Mar. 1, 2018), <https://perma.cc/EE7B-ZDFL>.

⁵⁰ *Live Subtitles on Parliament TV Aid Access*, New Zealand Parliament (Aug. 15, 2016), <https://perma.cc/2N5W-BCX3>.

⁵¹ *Captions Now Available for Parliament TV on Demand*, New Zealand Parliament (Mar. 13, 2017), <https://perma.cc/S7Y9-VBZY>.

⁵² *A History of NZSL and Parliament*, New Zealand Parliament (May 6, 2024), <https://perma.cc/S4M3-LHYG>.

⁵³ *Health & Disability – Your Rights to Use New Zealand Sign Language (NZSL)*, Community Law, <https://perma.cc/S9KR-R3D3>.

⁵⁴ *About New Zealand Relay*, New Zealand Relay, <https://perma.cc/E6Q9-GVJ6>.

of New Zealand. Such a service enables people in these communities to keep in touch by phone independently, without needing the assistance of friends or family.

The service is currently provided by Concentrix, a leading global provider of CX solutions and Technology, based in Auckland. Our New Zealand Relay contact centre operates 24 hours a day, 365 days a year.

New Zealand Relay employs a combination of video interpreters who interpret between NZSL and English, and Relay Assistants who work rostered shifts to ensure our services are staffed at their operating times; plus support staff.⁵⁵

B. Right to Access to Justice

As noted above, the New Zealand Sign Language Act 2006 establishes the right to use New Zealand Sign Language in court proceedings. Community Law explains that

[i]f you are involved in any kind of court business, in any court in New Zealand, you have the right to use NZSL. This includes Tribunals and other bodies like the Tenancy Tribunal and the Employment Relations Authority. All you need to do is let the judge, or whoever is in charge, know at least 10 working days in advance so they can organise a free interpreter.

You have these rights if you're involved in the case. It doesn't matter if you're the one bringing the case (taking your employer to the Employment Relations Authority for example), or you're defending the case (when you're charged with a crime in the District Court for example), or you're a witness in the case.⁵⁶

The Ministry of Justice, which is responsible for court administration in New Zealand, provides information on interpreters and disability access for those involved in court proceedings. As noted above, person who wishes to use New Zealand Sign Language in court should contact the court in person, by phone, or by email at least 10 working days prior to the hearing or other proceeding. Those who are deaf, hearing impaired blind and/or speech impaired can contact the ministry or courts using the NZ Relay service.

The ministry states that some ways that courts can assist court visitors or users who have disabilities include the following:

- provide documents in other formats (such as Braille or bigger type) if you have a vision problem
- use an accessible court room if you have a mobility problem
- give you a seat near the witness or judge or get sound reinforcement if you have a hearing problem
- serve you in a quiet place if you have a hearing problem or if you want to bring a person to sign for you

⁵⁵ Id.

⁵⁶ *Health & Disability – Your Rights to Use New Zealand Sign Language (NZSL)*, supra note 53.

- go through the information more fully and in plain language if you have an intellectual disability or a problem with attention, memory or decision-making.⁵⁷

The court needs to be informed about a person's needs at least five working days before the person needs to be there.

Communication assistance can be provided to defendants and witnesses where a person may need help to understand what is happening in court, respond to questions, or give evidence. The Ministry of Justice states that such assistance can be directed by the judge:

[a]nyone who is working with or supporting a defendant or witness during their case can help to identify that they may need communication assistance. Many people who use communication assistance have (or are suspected to have) an intellectual or learning disability, autism or other neurodiversity, brain injury, or under-developed language or communication skills. The service is also available for defendants and witnesses experiencing mental distress, and for children.

If you think a defendant may need communication assistance, you should let their lawyer know. If a witness may need communication assistance, tell the police officer in charge of the case. The defence lawyer or police officer in charge will fill in an application form [. . .] and give it to the court.

If a judge decides that communication assistance should be used, a communication assistant (who is a language and communication specialist) will assess the participant's communication abilities. The communication assistant will write a report that tells the court how it can help the participant communicate during the court proceedings. The communication assistant may also:

- work with the lawyers to prepare questions for court that they will be able to understand and answer
- prepare easy to read documents or visual aids to assist their understanding
- check that they can understand what is happening in court and tell the judge if they need a break or other help.

Communication assistance is funded by the Ministry of Justice and there is no cost to participants or their whānau [family].⁵⁸

C. Right to Culture

New Zealand's public service cultural sector includes the Ministry of Culture and Heritage, Archives New Zealand and NLNZ (managed by the Department of Internal Affairs), and Sport New Zealand.⁵⁹

⁵⁷ *Going to Court – Interpreters, Language & Disability Access*, Ministry of Justice, <https://perma.cc/Y6HH-FRQS>.

⁵⁸ *Id.*

⁵⁹ *Ahurea – Cultural*, Te Kawa Mataaho – Public Service Commission, <https://perma.cc/DH66-SVSK>.

In the arts sector, Creative New Zealand is a Crown entity, governed by the Arts Council of New Zealand, that “encourages, promotes and supports the arts in New Zealand for the benefit of all New Zealanders through funding, capability building, our international programme and advocacy.”⁶⁰ In March 2024, Creative New Zealand launched its first Accessibility Policy and Action Plan 2023–2028, which “outlines the ways it will work inclusively for all New Zealanders, with a focus on Deaf and disabled artists and arts practitioners, *turi Māori* (Māori Deaf), *tāngata whaikaha Māori* (disabled Māori) and disability communities.”⁶¹ The policy and actions “promotes the vision of the New Zealand Disability Strategy.”⁶²

Upon launching the policy, Creative New Zealand stated that the following actions had been implemented:

- ensuring Creative New Zealand’s website, funding portal and funding processes are accessible and inclusive and can be accessed by people using assistive technologies such as screenreaders
- supporting anyone who applies for funding and needs support to make an application through our Supported Application Service
- providing an additional \$5000 towards access costs on top of funding awarded to Deaf and disabled artists, or those who experience disability or impairment, under specific funds
- providing a range of communication options for people to get in touch with our funding advisers
- using plain language in all our written communications and publishing our key research and organisational documents in alternative formats
- continuing to work in partnership with Manga Tipua [a reference group of Deaf and disabled artists] [and] other key organisations to ensure we have Deaf and disabled leadership across our mahi and specialist Deaf and disability knowledge.

One charitable organization that receives its core funding from Creative New Zealand is Arts Access Aotearoa.⁶³ It also has contracts with the Department of Corrections and the Ministry for Culture and Heritage, as well as receiving support from two city councils. The purpose of the organization is to work in partnership “to increase access to the arts for people in Aotearoa who experience barriers to participation.”⁶⁴

In 2009, Arts Access Aotearoa published a guide to accessibility in the arts,⁶⁵ funded by Creative New Zealand, which became a cornerstone of the national Arts for All Network, established in 2010. In 2023, Creative New Zealand recorded 319 accessible events and services, delivered by

⁶⁰ *About Creative NZ*, Creative NZ, <https://perma.cc/J82C-WE7S>.

⁶¹ *Creative New Zealand Launches its First Accessibility Policy and Action Plan*, Creative NZ (Mar. 26, 2024), <https://perma.cc/5NCM-5YX4>.

⁶² *Id.*

⁶³ *Funders and Supporters*, Arts Access Aotearoa, <https://perma.cc/2UA3-PM6G>.

⁶⁴ *About Arts Access Aotearoa*, Arts Access Aotearoa, <https://perma.cc/E6TR-BAZL>.

⁶⁵ *Ngā toi mō te katoa: Arts for All Guide*, Arts Access Aotearoa, <https://perma.cc/98EV-V9JB>.

members of the network.⁶⁶ The network is disability-led and works to “uphold Deaf and disabled people’s rights, including the right to access and participate in arts and culture.”⁶⁷

In the area of sport and recreation, Sport New Zealand released a Disability Plan in October 2019, which followed the launch of a new 12-year strategic direction and vision – Every Body Active – “that seeks to ensure all New Zealanders have access to quality experiences, particularly those groups missing out.”⁶⁸ Sport New Zealand stated it was investing an additional NZ\$7 million (about US\$4.1 million) over four years to support its disability outcomes. The Disability Plan included the following commitments:

- “Work in partnership to create a more inclusive play, sport and active recreation system,”
- “Invest to create better quality experiences for disabled tamariki and rangatahi [children and young people] with a range of impairments,” and
- “Build system wide capability to deliver better outcomes for disabled people.”⁶⁹

In September 2024, Sport New Zealand released a report on progress made towards delivering on these commitments.⁷⁰ Highlights with respect to partnerships were that Sport New Zealand

1. Partnered and invested in 15 Regional Disability Organisations and seven National Disability Sport Organisations over the 2021-2024 period.
2. Partnered with 16 regional and national organisations to deliver new initiatives and programmes through the Disability Inclusion Fund.
3. Continued to partner with and invest in National Disability Organisations (the Halberg Foundation, Special Olympics New Zealand, and Paralympics New Zealand) to increase and enhance opportunities for disabled tamariki and rangatahi to be active.⁷¹

The progress report also highlighted several investments in disability initiatives and programs made through different funds; hosting of an annual Disability Hui [Meeting] and bi-monthly Disability Sector Virtual Connects; the launch of the Inclusivity Hub, with a dedicated section on disability, to provide guidance for partner organizations; and the provision of scholarships to sector practitioners to attend an international symposium on adaptive physical activity. The report set out various other actions and relevant outcomes, including survey results. Sport New Zealand stated that

⁶⁶ Richard Benge, *Global Leader in Accessibility in Performing Arts*, Creative NZ (Sept. 27, 2024), <https://perma.cc/QC8S-82DU>.

⁶⁷ *About the Arts for All Network*, Arts Access Aotearoa, <https://perma.cc/6TPV-5GPC>.

⁶⁸ *Sport New Zealand Launches Disability Plan*, Sport New Zealand (Oct. 14, 2019), <https://perma.cc/56Z8-34RM>.

⁶⁹ Sport New Zealand, *Disability Plan 8* (Oct. 2019), <https://perma.cc/88TF-T8VD>.

⁷⁰ *New Report: Progress on Sport NZ Disability Plan*, Sport New Zealand (Sept. 25, 2024), <https://perma.cc/6TKF-2YH9>.

⁷¹ Sport New Zealand, *Sport NZ Disability Plan Progress Report 2019–2024*, at 3 (Sept. 2024), <https://perma.cc/V2WM-VDLK>.

[t]hese insights show that we're taking definitive steps towards becoming a more inclusive sector – more organisations are providing adapted activities, inclusion training, accessible facilities, and tailored events and programmes than ever before. However, more work is needed to create better experiences for disabled people, as they continue to participate less often and have poorer experiences than their non-disabled peers.⁷²

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

In October 2021, under the previous administration, the Cabinet agreed “to introduce a new framework that takes a progressive approach to identifying, preventing, and removing barriers to participation for disabled people, tāngata whaikaha Māori and others with accessibility needs.”⁷³ This led to the introduction of a stand-alone bill, the Accessibility for New Zealanders Bill, in July 2022.⁷⁴ However, the bill was criticized by people with disabilities, including for its lack of enforceable standards.⁷⁵ The bill was reinstated in the current 54th Parliament⁷⁶ but was subsequently discharged in August 2024.⁷⁷ A group of disability rights advocates has called on the current government to draft a new bill to replace the previous proposals.⁷⁸

⁷² *New Report: Progress on Sport NZ Disability Plan*, supra note 70.

⁷³ *Accelerating Accessibility in New Zealand*, Ministry of Social Development, <https://perma.cc/FA8W-SYBP>. See also *Making Aotearoa Accessible*, Ministry of Social Development, <https://perma.cc/A3VR-YAQB>; Press Release, Carmel Sepuloni, Government Delivers Transformative Changes for Disabled People (Oct. 29, 2021), <https://perma.cc/M7CM-V54U>.

⁷⁴ *Accessibility for New Zealanders Bill*, New Zealand Parliament, <https://perma.cc/68QH-H9PS>; Press Release, Poto Williams, Further Moves to Improve the Lives of Disabled People (Aug. 2, 2022), <https://perma.cc/Q9FK-SSEG>.

⁷⁵ See Laura James, *Disabled Kiwis 'Disappointed' with New Accessibility Legislation*, 1News (Aug. 2, 2022), <https://perma.cc/6E9K-GWQF>; Russell Palmer, *Accessibility Legislation a Tokenistic Toothless Failure, Disabled People Say*, RNZ (Feb. 20, 2023), <https://perma.cc/V9JD-9ZGN>.

⁷⁶ New Zealand Parliament, *Progress of Legislation – Fifty-Fourth Parliament* (Oct. 18, 2024), <https://perma.cc/AL5E-HXY7>.

⁷⁷ *Accessibility for New Zealanders Bill*, supra note 74; *Accessibility for New Zealanders Bill* (Government Bill 153–2), <https://perma.cc/T9Y3-AJA3>.

⁷⁸ Pretoria Gordon, *Group Calls on Government to Withdraw Accessibility for New Zealanders Bill*, RNZ (Mar. 7, 2024), <https://perma.cc/XNN5-EEKC>.

Norway

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SUMMARY Persons with disabilities are protected in Norway under international, constitutional, regional, and domestic law.

The rights of persons with disabilities are not explicitly mentioned in the Norwegian Constitution but through explicit reference to human rights, and international treaties that Norway has ratified, the rights of persons with disabilities enjoy constitutional protection.

Norway has ratified, but not yet incorporated, the UN Convention on Rights of Persons with Disabilities. It has not ratified the optional protocol. Norway has ratified the Marrakesh Treaty, protecting access to copyrighted work for persons with visual disabilities.

As a member of the European Economic Area, the European Accessibility Act is binding on Norway and requires Norway to provide access to, among other things, computers and operating systems, smartphones, TV equipment, e-books, e-commerce, and televisions broadcasts on equal terms to persons without disabilities.

Persons with disabilities have a the same right to access to public information and access to justice as persons without disabilities.

The Tibi Library (previously the National Library for the Blind) provides specialized services for persons who are blind, experience visual disabilities, or who have another form of print disability, such as dyslexia. Services include braille books, audiobooks, and transcription services. Tibi is part of the international Accessible Books Consortium.

Norway is currently in the process of incorporating the UN Convention on Rights of Persons with Disabilities into domestic legislation.

I. Introduction

An estimated 15% of persons living in Norway have some form of disability.¹ An estimated 32,000 persons live with a sight disability in Norway.² In addition, about 5% of the population is estimated to experience dyslexia.³

¹ Norges Handikapforbund, *Tall og Fakta*, <https://perma.cc/TW7J-P65N>.

² Norges Blindeforbund, *Øyehelse og Synshemninger*, <https://perma.cc/GY7F-Y6FA>.

³ Dysleksi Norge, *Dette er Dysleksi*, <https://perma.cc/Y658-GG2Q>.

The rights of persons with disabilities are regulated both through Norway's obligations under binding international law, voluntary commitments, and through domestic legislation.

While Norway is not a member of the European Union (EU), Norway is a member of the European Economic Area (EEA) and Economic Free Trade Area (EFTA).⁴ As a member of EEA, Norway is bound by EU regulations that regulate the internal market.⁵

II. Legal Framework

A. Constitutional Protections

Norway lists human right protections in its constitution; however, it does not mention persons with disabilities explicitly.⁶ Article 92 of the constitution provides that “the authorities of the State shall respect and ensure human rights as they are expressed in this Constitution and in the treaties concerning human rights that are binding for Norway.”⁷ With respect to human rights, Norway ratified the European Convention on Human Rights (ECHR) on January 15, 1952.⁸ In addition, Norway ratified the UN Convention on Rights of Persons with Disabilities (CRPD) in 2013 but it has not ratified the Optional Protocol.⁹ While the constitution does not specifically mention disabilities in article 92, because Norway has ratified the ECHR and the CRPD, the rights therein are part of the protections offered by the Norwegian constitution and thus understood to protect the specific rights of persons with disabilities.¹⁰ Similarly, article 98 states that “[e]veryone is equal before the law. No person shall be subjected to unfair or disproportionate discrimination,” which includes the right for persons with disabilities to not be discriminated against.¹¹

B. International Obligations

Norway is subject to several international obligations to protect the rights of people with disabilities.

⁴ European Free Trade Association, *Agreement on the European Economic Area*, <https://perma.cc/L6ED-7NK7>

⁵ Article 7 of the EEA Agreement. See for example the European Accessibility Act under II.B.3.

⁶ Grunnloven (LOV 1814-05-17), <https://perma.cc/CHB6-T6CL>.

⁷ § 92 Grunnloven.

⁸ *Norway*, European Court of Human Rights, <https://perma.cc/3PHK-YM3Z>. Council of Europe, *European Convention on Human Rights*, <https://perma.cc/TP8L-HA6X>.

⁹ Convention on the Rights of Persons with Disabilities and Optional Protocol, United Nations, <https://perma.cc/7RH6-RS53>; Regjeringen.no, *UN Convention on the Rights of Persons with Disabilities – Norway's Initial Report*, <https://perma.cc/48BM-UKJR>.

¹⁰ Ragna Aarli, § 92, pages 897-908 in Ola Mestad & Dag Michalsen (eds.), *Grunnloven Historisk Kommentarutgave 1814-2020* (2021). For an overview of the human rights framework in Norway in English, see *The Human Rights Framework in Norway*, Norwegian Human Rights Institution (NIM), <https://perma.cc/5NS3-M4Y4>.

¹¹ § 98 Grunnloven.

1. *Convention on the Rights of Persons with Disabilities*

Norway ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2013.¹² The convention has yet to be implemented into Norwegian law. Implementing the convention is part of the *Hurdalsplattformen* (the Governing Document for the current Coalition Government).¹³ A special commission was established to review the possibilities for incorporation into Norwegian law, and the government has sent the issue for public stakeholder review to seek comment on how to best implement the convention.¹⁴ For example, the Norwegian Federation of Organisations of Disabled People has responded that it would recommend that the CRPD be incorporated into the Human Rights Act.¹⁵

While the CRPD has not been incorporated in Norwegian law, many rights of the convention can be found in the *Likestillningsloven* (Act on Equality and Discrimination)(see below in Part II(C)).¹⁶ In addition, all legislation must be interpreted in the light of the CRPD.¹⁷

Norway has not ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. In a 2019 review of Norway's CRPD obligations, several countries, including Italy, Spain, Uganda and Germany, recommended that Norway ratify the optional protocol.¹⁸ In the same review, Paraguay recommended that Norway should review the interpretative declarations on articles 12, 14, and 25 of the CRPD.¹⁹

The Norwegian government has published its initial report on how it complies with the CRPD on its website.²⁰ The implementation is coordinated by the Ministry of Children, Equality and Social Inclusion and the Equal Opportunities and Anti-Discrimination Ombud (an independent

¹² Convention on the Rights of Persons with Disabilities and Optional Protocol; *UN Convention on the Rights of Persons with Disabilities – Norway's Initial Report*, supra note 9; *FN-konvensjonen om rett til menneske med nedsett funksjonsevne (CRPD)*, Regjeringen, <https://perma.cc/SY9U-UTDJ>.

¹³ Regjeringen, *Hurdalsplattformen, For en Regjering Utgått fra Arbeiderpartiet og Senterpartiet, 2021-2025*, <https://perma.cc/RZV5-6MLN>.

¹⁴ Høringsbrev – Inkorporering av CRPD i Norsk Lov (Mar. 5, 2024), <https://perma.cc/AK2E-4Z4F>. Regjeringen, *Konvensjonen om Funksjonshemmedes Rettigheter Inkorporering i Menneskerettsloven Del I Inkorporering og Behovet for Lovendringer*, <https://perma.cc/7WQP-MBBX>.

¹⁵ Funksjonshemmedes Fellesorganisasjon, *Høringssvar – Utredning om Inkorporering av FNs Konvensjon om Rettighetene til Mennesker med Nedsatt Funksjonsevne (CRPD) i Norsk Lov*, <https://perma.cc/UYJ4-PSZJ>.

¹⁶ Lov om Likestilling og Forbud mot Diskriminering (Likestillings- og Diskrimineringsloven)[Act on Equality and Prohibition on Discrimination (Equality and Discrimination Act)] (LOV-2017-06-16-51) , <https://perma.cc/TRN7-4HJW>.

¹⁷ See *Veiledning til FN-Konvensjonen om Rettighetene til Mennesker med Nedsatt Funksjonsevne (CRPD)*, Bufdir (June 23, 2021), <https://perma.cc/87HC-LM4B>.

¹⁸ United Nations, A/HRC/42/3, Report of the Working Group on the Universal Periodic Review* Norway, (140.6, 140.7, 140.8) (2019), <https://perma.cc/8ZRY-BBZV>.

¹⁹ Id. at 11 (140.19).

²⁰ *UN Convention on the Rights of Persons with Disabilities – Norway's Initial Report*, supra note 9.

body) has been appointed the national surveillance body.²¹ Moreover, the Norwegian Federation of Organisations of Disabled People (FFO) is responsible for preparing a shadow report.²²

2. Marrakesh Treaty

The Marrakesh Treaty was negotiated to promote the access to published works for persons who are blind, visually impaired, or otherwise print disabled by allowing published works to be copied and be made available in accessible formats.²³ Norway signed the Marrakesh Treaty on June 20, 2014, and ratified it on August 31, 2021. It entered into force on November 30, 2021. The Norwegian Copyright Act provides that

§ 55. Free use for persons with disabilities

A published literary work or musical work may be reproduced in a form other than sound recording for use by persons with disabilities who cannot acquire the work in the usual way. For pure sound recordings, the provisions of §§ 56 and 56 a apply.

A published literary work may be reproduced on film, with or without sound, intended for use by persons with hearing and speech disabilities.

The provisions of the first and second paragraphs do not apply to commercial use, and do not grant the right to copy copies that others have produced pursuant to the first paragraph.

§ 56.

Compulsory license for the production and use of recordings for persons with disabilities
The Ministry may, by individual decision or in regulations, determine that a specified organization or library for free use by persons with disabilities shall have the right, under specified conditions, to produce copies of published literary works by recording them on a device that can reproduce them. In addition to the text, published works of art and published photographic works may be reproduced on the recording. The author is entitled to remuneration to be determined by the State. The provision does not apply to commercial use.

§ 56 a.

1 Depending on the implementation of the Marrakesh Treaty and the Marrakesh Directive
The Ministry may, by regulation, provide that a specified organization may produce, import and exchange copies of a published literary work, including sound recordings, which have been adapted for use by the blind, visually impaired and print-impaired, to entitled individuals and to a specified organization in another country, including the

²¹ Id. at 89.

²² Id.

²³ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3162 U.N.T.S. 3, <https://perma.cc/4TDH-N48Z>; *Marrakech-traktaten om å Lette Tilgangen til Utgitte Verk for Personer som er Blinde, har Nedsatt Synsevne eller har Andre Funksjonsnedsettelse som Vanskeligjør Lesing*, Lovdata, <https://perma.cc/7BVA-PRGD>.

transfer of adapted intellectual property so that the individual can choose the time and place of access to the work.²⁴

Three libraries act as authorized entities, as defined in the treaty, Tibi (previously the Library for the Blind and Visually Impaired), Kristent Arbeid Blant Blinde og svaksynte (KABB)[Christian Work Among Blind and Visually Impaired Persons], and Statped (A national service for special needs education).²⁵ Tibi is part of the Accessible Books Consortium.²⁶

3. *European Accessibility Act*

As mentioned above, Norway is not a member of the EU but of the EEA and EFTA. In 2019, the EU adopted the European Accessibility Act,²⁷ which provide that member states must ensure the accessibility of certain services and products for persons with disabilities, and complements the European Web Accessibility Directive.²⁸ It also ensures that EU member states (and EEA members) have a similar implementation of the CRPD.²⁹

The relevant products and services include

- computers and operating systems;
- ATMs, ticketing, and check-in machines;
- smartphones;
- TV equipment related to digital television services;
- telephone services and related equipment;
- access to audio-visual media services such as television broadcast and related consumer equipment;
- services related to air, bus, rail, and waterborne passenger transport;
- banking services;
- e-books; and
- e-commerce.³⁰

²⁴ §§ 55-56a Lov om Opphavsrett til Åndsverk mv. (åndsverkloven)[Copyright Act], <https://perma.cc/NYT8-YZAU>. (Translation by author.)

²⁵ *Marrakesh Treaty Questionnaire – Norway*, WIPO, <https://perma.cc/R6HW-KAWN>.

²⁶ *ABC Global Book Service*, Accessible Books Consortium, <https://perma.cc/BD6U-LARZ>.

²⁷ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services (Text with EEA relevance), 2019 O.J. L159/70, <https://perma.cc/TKQ2-36NB>.

²⁸ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the Accessibility of the Websites and Mobile Applications of Public Sector Bodies (Text with EEA relevance)(Web Accessibility Directive) 2016 O.J. L327/1, <https://perma.cc/E9MP-5CH5>.

²⁹ *EUs tilgjengelighetsdirektiv (EAA)*, Uutilsyet, <https://perma.cc/CSM4-PMQ7>.

³⁰ *European Accessibility Act*, Inclusion Europe, <https://perma.cc/MX67-JNGQ>.

While the EU directive must be implemented and apply to products that are already on the internal market by June 28, 2023, Norway – as an EEA member – was supposed to have transposed the Act by June 28, 2022.³¹ It appears it has yet to do so.³²

A specific directorate for digital access (Digitaliseringsdirektoratet) oversees public organizations webpages and ensures that they meet the requirements of universal access.³³

4. *United Nations Millennium Goals and Sustainable Development Goals 2030*

Norway signed on to the United Nations (UN) Millennium Goals in 2000. Norway has since signed on to the 17 Sustainable Development Goals (SDGs) including goal 10 which specifically refers to persons with disabilities.³⁴ Norway has reported on its initial implementation of the 2030 Agenda and with respect to goal 10 states that “[c]ash transfers provide compensation for loss of income due to illness, disability, old age, unemployment etc” and that “[n]ew rules from 2015 have made it easier to combine work and disability benefits.”³⁵

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

The Act on Equality and Discrimination prohibits the discrimination of persons with disabilities, and prescribes that persons with disabilities be put in the same situation as a person without disabilities.³⁶ The law specifically prohibits discrimination based on “sex, pregnancy, parental leave, ethnicity, religion, spiritual beliefs, disabilities, sexual orientation, gender identity, gender expression, age or other important properties of a person.”³⁷ The law provides that both public and private enterprises have a duty to provide solutions that offer as many people as possible a chance to enjoy their activities, regardless of disability.³⁸ However, if the cost creates a disproportional burden on the entity supplying the service, a design adaptation is not required.³⁹

In addition to its legislation on the protections for persons with disabilities, the Norwegian Government has adopted a four-year strategy (2022-2025) to create a “disability-inclusive development.”⁴⁰ Specifically, through the development of this strategy, the Norwegian

³¹ EUs Tilgjengelighetsdirektiv (EAA), *supra* note 29.

³² EUs Tilgjengelighetsdirektiv, Regjeringen, <https://perma.cc/A27B-PDMF>.

³³ § 36a Equality and Discrimination Act.

³⁴ Regjeringen, *Norway's Follow-Up of Agenda 2030 and the Sustainable Development Goals*, <https://perma.cc/SMQ5-7YRN>.

³⁵ *Norway: Initial Steps Toward the Implementation of the 2030 AGENDA, Voluntary National Review Presented at the High-Level Political Forum on Sustainable Development (HLPF) 17, UN Sustainable Development (July 2016)*, <https://perma.cc/M582-HTVL>.

³⁶ 1 § Equality and Discrimination Act.

³⁷ *Id.*

³⁸ *Id.* § 17.

³⁹ *Id.*

⁴⁰ Regjeringen, Norwegian Ministry of Foreign Affairs, *Equality for all - Norway's Strategy for Disability-Inclusive Development (2022-2025)*, <https://perma.cc/ZBG8-QUVY>.

government “has two primary objectives for its activities in this area: i) to promote compliance with the UN Convention on the Rights of Persons with Disabilities, and ii) to work proactively to support the core principle of the 2030 Agenda to ‘leave no one behind’.”⁴¹ In the report, the government lists initiatives it will undertake, including how it will work with the UN, civil society, private entities, and charities to promote the rights of persons with disabilities.⁴²

The Cultural and Equality Ministry has also published a strategy that focuses on democracy and education and that provides additional resources for the access of information for persons with disabilities.⁴³ Included in the strategy is a section providing that “[t]he National Library shall make library services visible for people with disabilities that make it difficult to read visual text and regular books, so that libraries actively communicate the services to all users who are entitled to adapted library services.”⁴⁴

III. Rights of Persons with Disabilities

A. Right to Information

The right to information is established in the Norwegian constitution, as part of the freedom of expression provision in article 100, and provides that every person has the right to receive and transmit information and that everyone has a right to access State and municipal (i.e. public) documents.⁴⁵ As a result of the prohibition on discrimination, a person cannot be impeded from attaining such access because of a physical or mental disability.⁴⁶

1. Publicly Funded NLS-Style Library

Tibi, previously Norsk lyd- og blindeskriftbibliotek (NLB), is a designated library that serves blind persons and those with print disabilities.⁴⁷ In addition, Tibi also serves all persons with disabilities that affect how they can access print media, including dyslexia.⁴⁸ Tibi is part of the Accessible Books Consortium.⁴⁹ Moreover, Tibi users may become members of the US-based service Bookshare, and Tibi pays the membership fee.⁵⁰

⁴¹ Id. at 3.

⁴² Id. at 6-8.

⁴³ Regjeringen, *Kultur- og Likestillingsdepartementet, Rom for Demokrati og Dannelse - Utvidet Nasjonal Bibliotekstrategi – ut 2025*, <https://perma.cc/KK49-82FV>.

⁴⁴ Id. at 12.

⁴⁵ § 100 Grunnloven.

⁴⁶ § 100 Grunnloven read with 1 § Equality and Discrimination Act as well as article 13 of the CRPD.

⁴⁷ Tibi, *Om Tibi*, <https://perma.cc/6JG3-RAMH>.

⁴⁸ Tibi, *Hvem Kan Låne*, <https://perma.cc/M699-MW7Y>.

⁴⁹ Accessible Books Consortium, *supra* note 26.

⁵⁰ Tibi, *Låne fra Andre Bibliotek og Land*, <https://perma.cc/R9JN-WY3N>.

A special expert board serves as advisors to Tibi, made up of two members nominated by Norway's Blind Association, one member nominated by the Dyslexia Norway Association, one member nominated by the National Library, one nominated from the University Council, and one nominated by the Delta Center.⁵¹ Together the members have the specific task of advising on strategic and principally important issues that relate to Tibi's activity and to increase the supply of literature for Tibi's user groups.⁵²

Tibi has issued a declaration on the importance of universal literature and information.⁵³

2. Public Legal Information

As mentioned above, the right to public information is guaranteed in the constitution.⁵⁴ In addition, Norway is bound by the CRPD and EAA.

As specified in the Accessibility Assessment on the Norwegian Parliament website, there are several shortcomings on the parliament website, which makes the website inaccessible for persons with disabilities, specifically for persons who require

- use without vision,
- use with limited vision,
- use without color vision,
- use without hearing,
- use with hearing impairment,
- use with reduced mobility or strength,
- use with limited reach,
- seizure control due to photosensitivity, and
- use with impaired cognition.⁵⁵

Moreover, it appears that live and past broadcasts of Norwegian parliamentary sessions do not provide closed captioning.⁵⁶

⁵¹ § 3 Mandat for Fagråd for Tibi (tidl. NLB), Regjeringen (Jan. 4, 2017, updated 2024), <https://perma.cc/739C-DRUH>.

⁵² Id. § 2.

⁵³ Tibi, *Felles Erklæring om Betydningen av Universell Utforming av Litteratur og Informasjon*, <https://perma.cc/ZFD5-M4YY>.

⁵⁴ § 100 Grunnloven.

⁵⁵ Tilgjengelighetserklæring for www.stortinget.no (Feb. 25, 2024), <https://perma.cc/A34Y-X5B4>.

⁵⁶ See e.g. *Storting torsdag 21 november 2024*, Stortinget, <https://perma.cc/DT4T-374M> and *Åpen Høring i Stortingets Energi- og Miljøkomité Torsdag 14. november 2024 kl. 10.20*, Stortinget, <https://perma.cc/Y3YC-KWMS>.

B. Right to Access to Justice

The right to access to justice is enshrined in the Norwegian constitution and the ECHR.⁵⁷ Article 13 of the CRPD provides that persons with disabilities have the right to access to justice in the same manner as a person without disabilities.⁵⁸ To that end, a person who is deaf or mute, for example, has the right to a sign language interpreter.⁵⁹

C. Right to Culture

Article 30 of the CRPD provides that persons with disabilities have the right to culture.⁶⁰ Because Norway has ratified the convention, this right is also protected under the constitution.⁶¹

The Norwegian government has adopted a strategy, *Et Samfunn for Alle* (One Society for Everyone) that targets the equal treatment of persons with disabilities, and provides for special initiatives to increase the participation of persons with disabilities in cultural activities, including those for children.⁶² The specific goal is for children with disabilities to participate in at least one cultural or sport activity.⁶³

Respecting the Marrakesh Treaty, the Copyright Act provides for how and when persons with disabilities may use copyrighted works to make accessibility copies.⁶⁴

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

As mentioned above, Norway is in the process of implementing both the CRPD⁶⁵ and the EAA.⁶⁶ Norway is also reviewing amending its rules related to Norwegian sign language.⁶⁷

⁵⁷ §§ 95-96 Grunnloven; ECHR art. 6.

⁵⁸ CRPD art. 13.

⁵⁹ § 137 Lov om Domstolene (Domstolsloven) (LOV-1915-08-13-5), <https://perma.cc/YB8C-TUAE>.

⁶⁰ CRPD art. 30.

⁶¹ § 192 Grunnloven.

⁶² Barne- og likestillingsdepartementet, *Et Samfunn for Alle - Regjeringens Strategi for Likestilling av Mennesker med Funksjonsnedsettelse for Perioden 2020–2030*, <https://perma.cc/Q7GU-LVRR>.

⁶³ Id. at 27.

⁶⁴ Section 55 of the Norwegian Copyright Act (Lov om Ophavsret), <https://perma.cc/66MD-Y23P>.

⁶⁵ *Høring - Utredning om Inkorporering av FNs Konvensjon om Rettighetene til Mennesker med Nedsatt Funksjonsevne (CRPD) i Norsk Lov*, Regjeringen (Mar. 5, 2024), <https://perma.cc/W7VG-YBXH>.

⁶⁶ *EUs Tilgjengelighetsdirektiv (EAA)*, supra note 29.

⁶⁷ *Høring - NOU 2023:20 Tegnspråk for Livet. Forslag til en Helhetlig Politikk for Norsk Tegnspråk* (September 1, 2023), <https://perma.cc/89LJ-XGW8>.

Portugal

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SUMMARY The Portuguese Constitution guarantees the rights of people with disabilities and determines the implementation of national policies addressing their needs, including access to education. The Marrakesh Treaty has yet to be adopted by Portugal, but a law passed in 2019 aims to make it easier for individuals with visual disabilities to access published works. Portugal has adopted the UN Convention on the Rights of Persons with Disabilities, and it is undetermined whether the country met the UN Millennium Goals.

To address the needs of people with disabilities, laws have been enacted to, among other things, establish a regime for assessing the disabilities of people; regulate the use of service dogs by visually impaired individuals; establish a system of employment quotas; implement a global prevention and rehabilitation policy; prevent and prohibit discrimination; and to create a system for early childhood intervention.

I. Introduction

Constitutional principles provide rights and duties for people with disabilities, while charging the government with the duty to implement national policies for their support, integration, and education.

Some of the issues that are present in the current legal framework of the country include regimes for: assessing disabilities and to provide access to benefits; prevention, qualification, rehabilitation, and participation of people with disabilities; and granting technical and financial support for the development of employment policies and support for the qualification of people with disabilities.

To guarantee the right of people with visual disabilities to information, the National Library has implemented a reading service. Regarding the right to access justice, although Portugal has ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities, very little has been done in terms of legislation that guarantees their access to justice. To facilitate access to culture, laws have been enacted concerning accessibility regimes that need to be followed for buildings and establishments that receive the public, public roads, and residential buildings.

In the current legislature, there are no legislative proposals in the Assembly of the Republic concerning access to information for persons with disabilities.

II. Legal Framework

A. Constitutional Protections

Article 71 of the Portuguese Constitution states that citizens with physical or mental disabilities fully enjoy the rights and are subject to the duties enshrined in the Constitution, save for the exercise or fulfilment of those for which their condition renders them incapable.¹

The State has undertaken implementation of a national policy for the prevention of disability and the treatment, rehabilitation, and integration of disabled citizens and the provision of support to their families, to make society aware of the duties of respect and solidarity towards the disabled. The State has also undertaken the charge of ensuring that the rights of disabled people are effectively fulfilled, without prejudice to the rights and duties of their parents or guardians.² Furthermore, section 3 of article 71 determines that the State must support disabled citizens' organizations.³

Everyone has the right to education, with the guarantee of the right to equal opportunities in access to and success in schooling.⁴ In implementing the education policy, the State is charged with, among other things, promoting and supporting disabled citizens' access to education and supporting special education when necessary.⁵

B. International Obligations

1. Marrakesh Treaty

Portugal has yet to adopt the Marrakesh Treaty in its own right, however as a member of the European Union (EU), Portugal is bound by the EU's ratification on Oct. 1, 2018. Law No. 92 of September 4, 2019,⁶ establishes provisions to facilitate access to published works for individuals who are blind, visually impaired, or print disabled.⁷ This law aligns with the Marrakesh Treaty and transposes EU Directive 2017/1564, which allows certain copyright exceptions to benefit these individuals while amending Directive 2001/29/EC on copyright harmonization in the digital context.⁸

¹ Constituição da República Portuguesa, VII Revisão Constitucional (2005), art. 71(1), <https://perma.cc/N74U-6GKF>. An English version of the Portuguese Constitution is available on the website of the Portuguese Assembly of the Republic, <https://perma.cc/BG94-K943>.

² Id. art. 71(2).

³ Id. art. 71(3).

⁴ Id. art. 74(1).

⁵ Id. art. 74(2)(g).

⁶ Lei No. 92/2019, de 4 de Setembro, <https://perma.cc/VQB5-YNTJ>.

⁷ WIPO, *Marrakesh Treaty Questionnaire - Portugal*, <https://perma.cc/R4MN-LNB8>.

⁸ Id.

2. *Convention on the Rights of Persons with Disabilities*

The Resolution of the Assembly of the Republic No. 56 of July 30, 2009, approved the UN Convention on the Rights of Persons with Disabilities, which was adopted in New York on March 30, 2007,⁹ while Decree of the President of the Republic No. 71 of July 30, 2009, ratified the convention.¹⁰

The Resolution of the Council of Ministers No. 68 of November 21, 2014, designates the national contact points and the national coordination mechanism and establishes the national mechanism for monitoring the implementation of this convention.¹¹ Law No. 71 of September 2, 2019, establishes the legal regime for the national mechanism for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities.¹²

3. *UN Millenium Goals*

It was not possible to identify any data regarding Portugal and the millennium development goals that were established by the United Nations (UN) in 2000.¹³

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

1. *Decree-Law No. 202 of October 23, 1996*

Decree-Law No. 202 of October 23, 1996, establishes the regime for assessing the disabilities of people, as defined in article 2 of Law No. 38 of August 18, 2004, for the purposes of access to the measures and benefits provided for by law to facilitate their full participation in the community.¹⁴

2. *Decree-Law No. 118 of April 14, 1999*

Decree-Law No. 118 of April 14, 1999, establishes the right of accessibility for visually impaired people accompanied by guide dogs to places, transport, and establishments with public access, and the conditions to which these animals are subject when carrying out their mission.¹⁵

3. *Decree-Law No. 29 of February 3, 2001*

Decree-Law No. 29 of February 3, 2001, establishes the system of employment quotas for people with disabilities, with a degree of incapacity equal to or greater than 60%, in central and local

⁹ Resolução da Assembleia da República No. 56/2009, de 30 de Julho de 2009, <https://perma.cc/8VWP-UK6X>.

¹⁰ Decreto do Presidente da República No. 71/2009, de 30 de Julho de 2009, <https://perma.cc/L6Q4-9TDU>.

¹¹ Resolução do Conselho de Ministros No. 68/2014, de 21 de Novembro, <https://perma.cc/42MG-8YQH>.

¹² Lei No. 71/2019, de 2 de Setembro, <https://perma.cc/F4JX-7UCD>.

¹³ *Millennium Development Goals and Beyond 2025*, United Nations, <https://perma.cc/C3HY-YPEL>.

¹⁴ Decreto-Lei No. 202/96, de 23 de Outubro, as amended by Decreto-Lei No. 291/2009, de 12 de Outubro, art. 1, <https://perma.cc/4JYE-YRNE>.

¹⁵ Decreto-Lei No. 118/1999, de 14 de Abril, art. 1, <https://perma.cc/UP5D-9N25>.

administration services and bodies, as well as in public institutions that are set up to carry out personalized services of the State.¹⁶

In all *concurros externos* (external competitions) for entry into the public service, in which the number of vacancies put up for competition is equal to or greater than 10, a quota of 5% of the total number of vacancies is mandatory, rounded to the nearest unit, to be completed by people with disabilities.¹⁷ In competitions in which the number of vacancies to be filled is less than 10 and equal to or greater than three, a vacancy is guaranteed for candidates with disabilities.¹⁸ In competitions in which the number of positions to be filled is one or two, the candidate with a disability has preference in equal classification, which prevails over any other legal preference.¹⁹ These provisions do not apply to competitions for entry into careers with functions of a police nature, in the security forces and services, and in the prison guard corps.²⁰

Law No. 4 of January 10, 2019, establishes a system of employment quotas for people with disabilities, with a degree of incapacity equal to or greater than 60%, with a view to hiring them by private sector employers and public sector bodies not covered by the scope of application of Decree-Law No. 29 of February 3, 2001.²¹

4. Law No. 38 of August 18, 2004

Law No. 38 of August 18, 2004, defines the general bases of the legal regime for the prevention, qualification, rehabilitation, and participation of people with disabilities.²²

According to article 2, a person with a disability is someone who, due to loss or anomaly, whether congenital or acquired, of body functions or structures, including psychological functions, presents specific difficulties which, in conjunction with environmental factors, may limit or hinder activity and participation on equal terms with other people.²³

The objectives of Law No. 38 are to implement a global, integrated, and transversal policy of prevention, qualification, rehabilitation, and participation of people with disabilities, through

- a) Promotion of equal opportunities, in the sense that people with disabilities have conditions that allow full participation in society;
- b) Promotion of lifelong education, training and work opportunities;
- c) Promoting access to support services;

¹⁶ Decreto-Lei No. 29/2001, de 3 de Fevereiro, art. 1, <https://perma.cc/J3TC-M7Z8>.

¹⁷ Id. art. 3(1).

¹⁸ Id. art. 3(2).

¹⁹ Id. art. 3(3).

²⁰ Id. art. 3(4).

²¹ Lei No. 4/2019, de 10 de Janeiro, art. 1, <https://perma.cc/WDP4-HUXW>.

²² Lei No. 38/2004, de 18 de Agosto, art. 1, <https://perma.cc/7P2K-JM7F>.

²³ Id. art. 2.

- d) Promotion of a society for all by eliminating barriers and adopting measures aimed at the full participation of people with disabilities.²⁴

5. *Law No. 46 of August 28, 2006*

Law No. 46 of August 28, 2006, aims to prevent and prohibit discrimination, direct or indirect, due to disability, in all its forms, and to sanction the practice of acts that result in the violation of any fundamental rights, or the denial or conditioning of exercise of any economic, social, cultural, or other rights, by any person, due to any disability.²⁵ The provisions of Law No. 46 also apply to discrimination against people with an aggravated health risk.²⁶

Article 3 defines people with an aggravated health risk as people who suffer from all pathologies that determine an irreversible, long-lasting, evolutionary, potentially disabling organic or functional change, with no prospect of complete remission and that alter the quality of life of the sufferer at a physical, mental, emotional, social, and economic level and is a potential cause of early disability or significant reduction in life expectancy.²⁷

6. *Decree-Law No. 281 of October 6, 2009*

Decree-Law No. 281 of October 6, 2009, creates the *Sistema Nacional de Intervenção Precoce na Infância*, SNIPI (National Early Childhood Intervention System), which consists of an organized set of institutional entities of a family nature, with a view to guaranteeing conditions for the development of children with functions or structures of the body that limit personal and social growth and participation in activities typical for their age, as well as children at severe risk of developmental delay.²⁸ The SNIPI is developed through the coordinated action of the Ministries of Labor and Social Solidarity, Health, and Education, with the involvement of families and the community.²⁹

The SNIPI covers children between birth and six years old, with changes in body functions or structures that limit participation in typical activities for their respective age and social context or with serious risk of developmental delay, as well as their families.³⁰

For the purposes of Decree-Law No. 281, early childhood intervention is defined as the set of integrated support measures focused on the child and the family, including preventive and rehabilitative actions, especially in the scope of education, health, and social action.³¹

²⁴ Id. art. 3.

²⁵ Lei No. 46/2006, de 28 de Agosto, art. 1(1), <https://perma.cc/A4AJ-6BGM>.

²⁶ Id. art. 1(2).

²⁷ Id. art. 3(c).

²⁸ Decreto-Lei No. 281/2009, de 6 de Outubro, art. 1(1), <https://perma.cc/D3Y6-M8ZT>.

²⁹ Id. art. 1(2).

³⁰ Id. art. 2.

³¹ Id. art. 3(a).

7. Decree-Law No. 290 of October 12, 2009

Decree-Law No. 290 of October 12, 2009, creates the program for employment and support for the qualification of people with disabilities and incapacities and defines the regime for granting technical and financial support for the development of employment policies and support for the qualification of people with disabilities, which comprises the following measures:

- a) Support for qualification;
- b) Support for integration, maintenance and reintegration into the labor market;
- c) Supported employment;
- d) Merit award.³²

8. Decree-Law No. 58 of August 29, 2016

Decree-Law No. 58 of August 29, 2016, establishes the obligation to provide priority assistance to people with disabilities, elderly people, pregnant women, and people accompanied by infants, for all public and private entities that provide face-to-face assistance to the public.³³

9. Decree-Law No. 129 of October 9, 2017

Decree-Law No. 129 of October 9, 2017, establishes the *Modelo de Apoio à Vida Independente*, MAVI (Model of Support for Independent Life) program, defining the rules and conditions applicable to the development of personal assistance activities, creation, organization, operation, and recognition of *Centros de Apoio à Vida Independente*, CAVI (Independent Life Support Centers), as well as the eligibility requirements and the regime for granting technical and financial support for personal assistance pilot projects.³⁴

MAVI is implemented through the provision of a personal assistance service to support people with disabilities in carrying out activities that, due to limitations arising from their interaction with environmental conditions, they cannot carry out on their own.³⁵ The final recipients of the personal assistance are all people with disabilities or incapacity who require support to continue their lives independently, without prejudice to the other specific eligibility conditions set out in Decree-Law No. 129.³⁶

Personal assistance constitutes a specialized service to support independent living, through which support is provided to people with disabilities or incapacity to carry out activities that, due to limitations resulting from their interaction with environmental conditions, they cannot do on

³² Decreto-Lei No. 290/2009, de 12 de Outubro, art. 1, <https://perma.cc/3R43-K8UM>.

³³ Decreto-Lei No. 58/2016, de 29 de Agosto, art. 1, <https://perma.cc/6XG7-ALQC>.

³⁴ Decreto-Lei No. 129/2017, de 9 de Outubro, art. 1, <https://perma.cc/2Y9L-AYCM>.

³⁵ Id. art. 3(1).

³⁶ Id. art. 3(2).

their own.³⁷ The request for personal assistance arises from the initiative of the person with a disability, expressed by them or whoever legally represents them, through a formal expression of interest with CAVI, and is translated into an individualized personal assistance plan.³⁸

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

The National Library of Portugal has a reading service for the visually impaired that has integrated and produced, since 1969, works in Braille and sound books. The available media are paper, magnetic tape, and digital, with more than 7,000 items in Braille, including 4,000 musical works, and 1,575 titles in audio mode.³⁹

The services are accessible to any visually impaired citizen, regardless of age, who only needs to register in person, by phone, by post, or by email. Works can be requested through the same channels and the loan of works in Braille, or the provision of phono-copies, can be carried out through the most convenient means for readers. Interlibrary loan is practiced.⁴⁰

2. Public Legal Information

Our research did not identify any specific regulation regarding the rights of people with disabilities to public information including parliamentary proceedings and parliamentary documents.

B. Right to Access to Justice

The Portuguese Code of Criminal Procedure states that the assistance of the defendant is mandatory in any procedural act, except for the criminal accusation, whenever the defendant is blind, deaf, mute, illiterate, unfamiliar with the Portuguese language, under 21 years of age, or if the question of his *inimputabilidade* (non-criminal responsibility) or *imputabilidade diminuída* (diminished criminal responsibility) is raised.⁴¹

According to article 93, when a deaf, hearing impaired, or mute person must make statements, the following rules must be observed:

- a) The deaf or hard of hearing person is appointed as a suitable interpreter for Libras, lip reading or written expression, whichever is most appropriate to the situation of the person concerned;

³⁷ Id. art. 5(1).

³⁸ Id. art. 5(2).

³⁹ *Leitura para Deficientes Visuais*, Biblioteca Nacional de Portugal, <https://perma.cc/VNP2-EET5>.

⁴⁰ Id.

⁴¹ Código de Processo Penal, Decreto-Lei No. 78/87, de 17 de Fevereiro, art. 64(d), <https://perma.cc/EG2P-2VSH>.

- b) The mute, if the person knows how to write, asks the questions orally, responding in writing. Otherwise, and whenever required, a suitable interpreter must be appointed.⁴²

The lack of an interpreter implies the postponement of the procedure.⁴³ These provisions are applicable at all stages of the process and regardless of the position of the interested party in the case.⁴⁴

Other than the provisions of the Code of Criminal Procedure, our research did not identify any other specific regulation regarding access to justice for persons with disabilities.

A report published in April 2023 by the National Federation of Social Solidarity Cooperatives states that although Portugal ratified the United Nations Convention on the Rights of Persons with Disabilities, the country has yet to adopt specific measures to guarantee access to justice for people with disabilities and the provision of procedural adaptations.⁴⁵

C. Right to Culture

Decree-Law No. 163 of August 8, 2006, approves the accessibility regime for buildings and establishments that receive the public, public roads, and residential buildings.⁴⁶

Decree-Law No. 83 of October 19, 2018, defines the accessibility requirements for websites and mobile applications of public bodies, transposing Directive (EU) 2016/2102 of the European Parliament and the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies.⁴⁷

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The website of the Portuguese Assembly of the Republic indicates that during the current legislature, there have been five legislative proposals involving people with disabilities. However, none of them concern access to information for persons with disabilities.⁴⁸

⁴² Id. art. 93(1).

⁴³ Id. art. 93(2).

⁴⁴ Id. art. 93(3).

⁴⁵ *Relatório sobre as Barreiras Encontradas pelos Arguidos com Deficiência Intelectual e/ou Psicossocial no Sistema de Justiça Penal em Portugal*, FENACERCI (Abril de 2023), 3, 24, <https://perma.cc/H28H-AYEQ>.

⁴⁶ Decreto-Lei No. 163/2006, de 8 de Agosto, <https://perma.cc/GP7N-A89R>.

⁴⁷ Decreto-Lei No. 83/2018, de 19 de Outubro, <https://perma.cc/L6ED-KS8K>.

⁴⁸ *Iniciativas*, Assembleia da República, <https://perma.cc/M6GS-REWQ>.

Russian Federation

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SUMMARY The Russian Constitution emphasizes the principle of protecting individuals with disabilities from all forms of discrimination through a functioning social protection system.

Various laws, government regulations, and international commitments address the rights of people with disabilities. The 1995 Federal Law on Social Protection of Disabled Persons is the primary legal act that determines state policy toward individuals with disabilities, defining their rights and measures of social inclusion. It outlines provisions for healthcare, employment, education, rehabilitation, and accessibility to public spaces.

Since 1995, more than 300 legal documents have been adopted regarding disabled people. Most of these promote and protect their rights to equal treatment in work, non-discrimination in the workplace, social protection, education, rehabilitation, accessibility, and participation in political and public life.

Statutory and regulatory norms regulate access to cultural resources and all types of public information, establish a regime for assessing disabilities, implement employment quotas, determine social support measures, promote prevention and rehabilitation policies, regulate the use of service dogs by visually impaired individuals, and create a system of inclusive education.

Russia is a party to international treaties such as the Convention on the Rights of Persons with Disabilities and the Marrakesh Treaty.

I. Introduction

The legal framework for protecting the rights of people with disabilities in the Russian Federation consists of various laws, decrees, and regulations aimed largely at promoting their inclusion in society.

Various governmental resolutions and regulations clarify the implementation of laws related to disability rights, including standards for accessibility in public spaces, the provision of social services, and employment opportunities. The Russian government states that it is working on

enhancing disability support services, including increased funding for rehabilitation programs and initiatives aimed at integrating individuals with disabilities into society more effectively.¹

The Federal Law on Social Protection of Disabled Persons regulates the right of persons with disabilities to access social infrastructure, cultural resources, and all types of legal and public information. The law forbids discrimination on the basis of disability.²

The Russian system classifies disabilities into three groups based on severity: group I includes severe disabilities that require significant assistance and limit most daily activities; group II includes moderate disabilities with partial limitations; and group III includes milder disabilities with fewer limitations on work and mobility.

In Russia, persons with disabilities are entitled to state benefits, including pensions, subsidized housing, free medical services, and access to rehabilitation programs. Educational institutions are required to provide inclusive programs and support for students with disabilities, which includes physical accessibility in schools, adapted learning materials, and specialized training for teachers.

According to official statistics, at the beginning of 2023, there were 10.933 million people with disabilities registered in Russia, accounting for 7.5% of the total population.³

The Federal State Statistics Service (*Rosstat*) regularly publishes data on disabled people in statistical collections called “Russian Statistical Yearbook,” “Healthcare in Russia,” and on its website in the section “Situation of Disabled People.”⁴

The total number of disabled persons includes individuals registered and receiving a disability pension from the National Pension Fund, the Ministry of Defense, and varied law enforcement agencies.⁵

In 2017, the Federal Registry of Persons with Disabilities (FRPD) was launched. The Federal Registry of Disabled Persons is a unified national database for information about citizens recognized as disabled persons and government agencies that provide services or social support measures to disabled persons. It contains data on the number of individuals with disabilities

¹ Aleksei Nikishin, *Funds for Rehabilitation Programs will be Increased by Rubles 1.2 Billion*, *Parlamentskaia Gazeta*, Nov. 14, 2024, <https://perma.cc/WS4S-J65D> (in Russian).

² Federal Law No. 181-FZ of Nov. 24, 1995 on Social Protection of Disabled Persons in the Russian Federation, <https://perma.cc/T2K9-MV25> (in Russian).

³ Ekaterina Shcherbakova, National Research University Higher School of Economics, A. G. Vishnevsky Institute of Demography, *Disabled People in Russia*, 2023, No. 989 - 990 *Demoskope Weekly* (May 30 -June 12, 2023), <https://perma.cc/7R48-HDY3> (in Russian).

⁴ *Official Statistics: Population, Status of Disabled Persons*, Federal State Statistics Service, <https://perma.cc/9W29-NAL6> (in Russian).

⁵ Nikishin, *supra* note 1.

broken down by gender, age, disability groups, causes of disability, and employment status of persons with disabilities.⁶

II. Legal Framework

A. Constitutional Protections

The currently in-force 2020 Constitution of the Russian Federation enshrines the obligation of the state to support individuals with disabilities.⁷

Article 39 of the Constitution guarantees everyone social security in the event of illness and disability.⁸ It states, that, “[e]veryone shall be guaranteed social security at the expense of the State in old age, in case of an illness, disability, loss of the breadwinner, for upbringing of children, and in other cases established by law.”⁹

The Constitution also defines that the government must ensure the functioning of “[t]he system of social protection of disabled persons based on the full and equal exercise of human and civil rights and freedoms, their social integration without any discrimination, the creation of an accessible environment for disabled persons, and the improvement of their quality of life.”¹⁰

B. International Obligations

In 2012, the Russian Federation ratified the United Nations (UN) Convention on the Rights of Persons with Disabilities of December 12, 2006.¹¹ The government commits to aligning its national laws and practices with the principles of the Convention.

The Russian Federation ratified the Marrakesh Treaty in 2018, and it entered into force for Russia on May 8, 2018.¹²

⁶ *Federal Registry of Disabled Persons*, Federal State Information System, <https://perma.cc/5UF9-83TT> (in Russian).

⁷ Constitution of the Russian Federation with amendments approved during the all-Russian voting on July 1, 2020, art. 7, para. 2, <https://perma.cc/SAF4-MHHR> (in Russian).

⁸ *Id.* art. 39.

⁹ *Id.*

¹⁰ *Id.* art. 114.

¹¹ Federal Law No. 46-FZ of May 3, 2012, on Ratification of the Convention on the Rights of Persons with Disabilities, adopted on Apr. 25, 2012, <https://perma.cc/A5BJ-SWKZ> (in Russian).

¹² Federal Law of December 5, 2017, No. 369-FZ, on the Accession of the Russian Federation to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, (Dec. 6, 2017), <https://perma.cc/52WN-CRU6> (in Russian); *Marrakesh Notification No. 36: Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled: Accession by the Russian Federation*, WIPO (Feb. 8, 2018), <https://perma.cc/93RK-YBKE>.

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

Since 1995, numerous legal enactments have directly addressed the situation of disabled persons.

1. *Federal Law on the Social Protection of Disabled Persons No. 181-FZ of November 24, 1995*

The Federal Law on the Social Protection of Disabled Persons in the Russian Federation is the main national legal act related to the rights of disabled persons.¹³

This law defines the state policy in this field and provides for equality of opportunities for the disabled individuals with other citizens in the realization of their civil, economic, political, and other rights and liberties provided for by the Constitution. The law addresses social security measures for persons with disabilities, including benefits and support, and deals with medical and social expert evaluation, rehabilitation, and social assistance.¹⁴

Under the law, the social protection of persons with disabilities is largely the responsibility of the federal authorities and all individuals with disabilities enjoy the same level of social protection, regardless of the constituent entity of the Russian Federation in which they reside.¹⁵

2. *Federal Law on the Education in the Russian Federation of Dec. 29, 2012, No. 273-FZ*

This law regulates public relations arising in the field of education, providing the state guarantees of human rights and freedoms in the field of education.¹⁶ It provides for “[a]n inclusive equal access to education for all students taking into account the diversity of special educational needs and individual capabilities.”¹⁷

Article 2 of the law names the “universal access to education [and] adaptability of the education system to the levels and specifics of the development and preparation of students” as a principle of state education policy.¹⁸

For citizens with deficiencies in physical and (or) mental development (referred to as “citizens with limited health capacity”), the state must create conditions for their education, correction of their development impairments, and social adaptation based on special pedagogical

¹³ Federal Law No. 181-FZ of Nov. 24, 1995, on Social Protection of Disabled Persons in the Russian Federation, <https://perma.cc/T2K9-MV25> (in Russian).

¹⁴ Id. arts. 3-6.

¹⁵ Id. art. 4.

¹⁶ Federal Law of the Russian Federation No. 273-FZ of Dec. 29, 2012 on Education in the Russian Federation, <https://perma.cc/D77N-6GPS> (in Russian); <https://perma.cc/3DUB-WUCC> (unofficial English translation).

¹⁷ Id. art. 2.

¹⁸ Id.

approaches.¹⁹ Inclusive education is one of the measures to ensure equal rights to receive education in the Russian Federation²⁰

3. *Order of the Ministry of Education and Science on the Federal State Educational Standard for Education of Students with Intellectual Disabilities of Dec. 19, 2014, No. 1599*

This is the main regulatory document establishing uniform requirements for education of students with disabilities.²¹

The order defines standards and norms of education for varied groups of students with special needs depending on the severity of their disability. This document provides for the creation of special conditions for obtaining education in accordance with age and individual characteristics and inclinations, the development of abilities, and the creative potential of each student as a subject of relations in the field of education.²²

Under this order, the students are divided into the following groups with intellectual disabilities: mild, moderate, severe, profound mental retardation (intellectual disabilities), and multiple severe developmental disabilities.²³

4. *Resolution of the Government of the Russian Federation of March 29, 2019, No. 363, Rules for the Provision and Distribution of Subsidies from the Federal Budget to the Budgets of the Constituent Entities of the Russian Federation for the Implementation of Measures Included in State Programs of the Constituent Entities of the Russian Federation to Create a System of Comprehensive Rehabilitation and Habilitation of Disabled Persons, including Disabled Children*²⁴

The rules set out the purposes, conditions, and procedure for the provision and distribution of subsidies from the federal budget to the budgets of constituent entities of the Russian Federation for the purpose of co-financing the expenditure obligations or measures to create basic professional educational organizations in constituent entities that provide support for regional systems of inclusive professional education for disabled people and individuals with limited health capabilities.²⁵

¹⁹ Id. art. 6.

²⁰ Id. art. 5, para. 5.

²¹ Order of the Ministry of Education and Science of the Russian Federation No. 1599 of Dec. 19, 2014, on Approval of the Federal State Educational Standard for Education of Students with Intellectual Disabilities, <https://perma.cc/3R3V-2D9K> (in Russian).

²² Id. arts. 1.9 & 1.12.

²³ Id. art. 1.1.

²⁴ Rules for the provision and distribution of subsidies from the federal budget to the budgets of the constituent entities of the Russian Federation for the implementation of measures included in state programs of the constituent entities of the Russian Federation to form a system of comprehensive rehabilitation and habilitation of disabled persons, including disabled children, appx. 2 to Resolution of the Government of the Russian Federation No. 363 of March 29, 2019, <https://perma.cc/QQG5-SDMX> (in Russian).

²⁵ Id.

5. *Federal Law on the Fundamentals of Health Protection of Citizens in the Russian Federation of Nov. 21, 2011, No. 323-FZ*

This law establishes the rights of citizens to receive medical care and health services. It states that individuals with disabilities should have access to necessary medical care and rehabilitation services and emphasizes the need for preventive measures to improve the health and well-being of people with disabilities.²⁶

6. *Federal Law on State Social Assistance of July 17, 1999, No. 178-FZ*

This law defines the list of citizens, including disabled people, eligible to receive social assistance in the form of free medical care, social services, drug provision, and regional support programs, which are approved annually and contain regularly updated list of medicines that are dispensed to people with disabilities free of charge or with a 50% discount.²⁷

Among other things, the law prescribes that regional branches of the Social Insurance Fund provide disabled people with vouchers for sanatorium-resort treatment.²⁸

7. *Federal Law of 22.08.2004 No. 122-FZ on Amendments to Legislative Acts of the Russian Federation and Recognition as Invalid of Certain Legislative Acts of the Russian Federation*

This law defines ways for disabled people to be informed about their eligibility for monthly cash payments, social support measures, and other monetary benefits.²⁹

8. *Federal Law on Free Legal Assistance of November 21, 2011, No. 324-FZ*

The law regulates the provision of free legal assistance and the organizational and legal foundations for the formation of state and non-state systems of free legal support.³⁰ The goals of the law are to ensure the protection of the rights and legitimate interests of the most vulnerable categories of citizens, thus ensuring their access to justice. According to this law, individuals can choose between the state and non-state systems of free legal assistance.³¹

²⁶ Federal Law No. 323-FZ of Nov. 21, 2011, on the Fundamentals of Health Protection of Citizens in the Russian Federation, art. 10, paras. 8-10, <https://perma.cc/BY39-6X5L> (in Russian).

²⁷ Federal Law No. 178-FZ of Jul. 17, 1999, on State Social Assistance, arts. 6.1, 19, 40, <https://perma.cc/X6LR-T9PK> (in Russian).

²⁸ Id. art. 6.2, para. 1(1-3).

²⁹ Federal Law No. 122-FZ of Aug. 22, 2004 on Amendments to Legislative Acts of the Russian Federation and Recognition as Invalid of Certain Legislative Acts of the Russian Federation in Connection with the Adoption of Federal Laws on Amendments and Supplements to the Federal Law on General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation and on General Principles of Organization of Local Self-Government in the Russian Federation, <https://perma.cc/4QL6-STRC> (in Russian).

³⁰ Federal Law No. 324-FZ of Nov. 21, 2011 on Free Legal Assistance in the Russian Federation, <https://perma.cc/SMP7-JUE4> (in Russian).

³¹ Id. art. 1.

9. *Resolution of the Government of the Russian Federation of May 30, 2020, No. 797*

In 2020, the government of the Russian Federation approved the rules allowing elderly and disabled persons to have guardians and live with them. These guardians, who perform foster care for the accepted people with disabilities, are paid by territorial bodies of the pension fund of the Russian Federation at the provider's place of residence.³²

10. *Order of the Ministry of Culture No. 2800 of November 16, 2015 on Approval of the Procedure for Ensuring Conditions of Accessibility for Disabled People of Cultural Values and Benefits*

This procedure defines the rules for assisting disabled persons in overcoming barriers that hinder their access to cultural services on an equal basis with others.³³ It prescribes that the buildings and facilities of the Ministry of Culture, its territorial bodies, and cultural institutions, including theaters, concert halls, organizations, cinemas, circuses, and other organizations engaged in the active participation of disabled persons in cultural life must ensure accessibility for disabled persons if such institutions are funded by the federal budget.³⁴

11. *Resolution of the Government of the Russian Federation No. 363 of March 29, 2019 on the Approval of the State Program of the Russian Federation "Accessible Environment" (II stage, 2022-2030)*³⁵

The second stage of the program is aimed at creating a barrier-free and comfortable environment, comprehensive rehabilitation and habilitation, high-quality technical rehabilitation equipment and its renewal, and other activities that would allow people with disabilities to receive education, social services, have equipped workplaces, and be included in public and cultural life.³⁶

The document states that the main priorities and objectives of the state policy are: creating conditions for disabled people to have unimpeded access to common property in apartment buildings, and ensuring that residential premises are suitable for use by disabled people; social support for disabled people; creating conditions for unimpeded access for disabled people to engineering, transport, and social infrastructure facilities; ensuring information accessibility in terms of publishing books, including textbooks and teaching aids for the visually impaired, and

³² Resolution of the Government of the Russian Federation No. 797 of May 30, 2020 on Approval of the Rules for Making Special Payments to Citizens who have accepted for accompanied or temporary residence (temporary guardianship) disabled persons, elderly citizens, orphans and children left without parental care, <https://perma.cc/9WC8-HFBS> (in Russian).

³³ Order of the Ministry of Culture of the Russian Federation No. 2800 of November 16, 2015 on Approval of the Procedure for Ensuring Conditions of Accessibility for Disabled People of Cultural Values and Benefits, <https://perma.cc/A4VL-KC95> (in Russian).

³⁴ Id. art. 1.

³⁵ Resolution of the Government of the Russian Federation No. 363 of March 29, 2019 on Approval of the State program of the Russian Federation Accessible Environment, (with amendments and additions), <https://perma.cc/QQG5-SDMX> (in Russian).

³⁶ Id. art. 2.

adapting television programs for the hearing impaired; and the development of comprehensive rehabilitation and habilitation services for disabled people, including disabled children.³⁷

12. Federal Law No. 162-FZ of June 29, 2015, on Standardization in the Russian Federation

The law introduces a national accessibility standard and ensures that public infrastructure is accessible to individuals with disabilities, covering physical access, public transport, and communication systems.³⁸ The rules for the application of this standard are established in article 26 of the law.

13. Order of the Government of the Russian Federation No. 3711-p of Dec. 18, 2021

In 2021, the government of the Russian Federation adopted the concept for the development of the system of comprehensive rehabilitation and habilitation in the Russian Federation.³⁹

The order sets out guidelines for people with disabilities on how to improve the quality of assistance provided to them.

The order covers five main areas: prosthetic and orthopedic assistance, social rehabilitation, physical rehabilitation, early support for children and their families, and vocational rehab.⁴⁰

III. Rights of Persons with Disabilities

The Federal Law on the Social Protection of Disabled Persons defines a disabled person as a “person with the violation of health due to a permanent disorder of functions of organs caused by diseases, consequences of injuries, or defects, if such a health violation leads to restriction of activity and causes the necessity of social protection.”⁴¹

Under this law, limitation of life activity means the complete or partial loss of the ability to perform self-care, move independently, orient oneself, communicate, control their behavior, learn, and engage in labor activities.⁴²

Depending on the degree of dysfunction and limitation of life activity, individuals recognized as disabled are assigned a disability group, and individuals under the age of 18 are assigned the category of “child with disabilities.”⁴³

³⁷ Id.

³⁸ Federal Law No. 162-FZ of June 29, 2015, on Standardization in the Russian Federation (2024 edition), arts. 2, 14, 16, <https://perma.cc/XC84-LHXK> (in Russian).

³⁹ Order of the Government of the Russian Federation No. 3711-p of Dec. 18, 2021 on the Approval of the Concept for the Development of the System of Comprehensive Rehabilitation and Habilitation in the Russian Federation, <https://perma.cc/ASM4-GTFM> (in Russian).

⁴⁰ Id.

⁴¹ Federal Law on Social Protection of Disabled Persons in the Russian Federation art. 1.

⁴² Id.

⁴³ Id.

The recognition of a person as disabled is carried out by the State Service of Medical and Social Evaluation. The procedure and conditions for recognizing a person as disabled are established by the government of the Russian Federation.⁴⁴

A. Right to Information

According to article 14 of the Federal Law on Social Protection of Disabled Persons, the state guarantees the right of a disabled person to receive necessary information.⁴⁵

1. Publicly Funded Library for Disabled

According to the Federal Law on Social Protection of Disabled Persons, “Russian libraries are among the socially significant institutions and organizations where employees need to provide situational assistance depending on the disabled person’s health condition.”⁴⁶

Under the Federal Law on Librarianship, blind and visually impaired people have the right to receive documents on special information carriers in specialized state libraries and other public libraries.⁴⁷

Since 1995, the Federal Law on the Mandatory Copy of Documents has mandated that the Russian State Library for the Blind (RGSB) receives two copies of relief-dot and “talking” books produced by specialized publishers, carries out necessary bibliographic operations, and distributes these books to network libraries and readers.⁴⁸

According to information available online, there are 72 specialized libraries for the blind in Russia, which are part of the state network that was started in 1954. More than 135,000 visually impaired people of different age groups use the national network. Territorial libraries for the blind are under the jurisdiction of regional cultural authorities, and the RGSB is under the jurisdiction of the Ministry of Culture of the Russian Federation and is financed from the federal budget.⁴⁹

⁴⁴ Resolution of the Government of the Russian Federation No. 588 of Apr. 5, 2022, on Recognizing a Person as Disabled (with amendments and additions), see attached Rules on Recognizing a Person as Disabled, sec. I, arts. 2 & 3, <https://perma.cc/58DR-GH6H> (in Russian).

⁴⁵ Federal Law on Social Protection of Disabled Persons in the Russian Federation art. 14.

⁴⁶ Id. art. 16.

⁴⁷ Federal Law No. 78-FZ of Dec. 29, 1994, on Librarianship, art. 8, para. 2, <https://perma.cc/7TWK-EMN2> (in Russian).

⁴⁸ Federal Law No. 77-FZ of Dec. 29, 1994 on the Mandatory Copy of Documents, art. 5, para. 1, <https://perma.cc/4BYZ-6LYQ> (in Russian).

⁴⁹ Galina Diyanskaya, *Russian Experience of Library Services for the Visually Impaired: Status and Prospects, Legal Basis for Library Services for the Visually Impaired, Scientific and Technical Libraries*, Russian State Library for the Blind (RGSB), <https://perma.cc/9GD9-CR3T> (in Russian); M. P. Lopushenko et al., *Service for Special User Groups Libraries, Review*, Far Eastern State Scientific Library (2023), <https://perma.cc/E5J9-CC7A> (in Russian).

The RGSB is the largest specialized library for the visually impaired in the country. The library collection contains about 1,500,000 units, including Braille books and periodical editions; “talking” books and magazines; ordinary ink-print and books, magazines, and newspapers with enlarged fonts. In total, 144 branches and 849 library points operate in the Russian Federation. According to information available online, most special libraries for the blind in the Russian Federation carry out publishing activities. Several libraries have studios and desktop publishing complexes to produce Braille and printed large-font documents in small print runs.⁵⁰

2. Access to Information Online

The law requires that the authorities at all levels, and organizations regardless of their organizational and legal forms ensure duplication of necessary auditory and visual information for disabled persons. This may include inscriptions, signs, and other textual and graphic information with Braille script, the provision of sign language interpreters, and tactile interpretation.⁵¹

In 2014, the Federal Agency for Technical Regulation and Metrology approved the National Standard on Accessibility Requirements for Visually Impaired Persons for Internet Resources.⁵²

According to this document, visually impaired individuals must have access to all components of electronic internet resources, i.e., an alternative version of the website for visually impaired persons. For a website with a significant number of elements that are difficult for visually impaired persons to access, it is mandatory to provide a version of the website with a minimal number of graphic elements. A textual hyperlink must be placed on the main page of the website to switch to this version.⁵³ For full access by visually impaired persons, information must be presented in text form. Graphic files must generally be accompanied by text explaining the image, as access to graphic files is generally difficult for blind users.⁵⁴ The number of links on a page should not exceed 15. A graphic file carrying meaningful content must be accompanied by explanatory text.⁵⁵

Additionally, the standard stipulates that the font size can be changed by the user up to 200% without the use of assistive technologies and without losing content or functionality.⁵⁶

⁵⁰ *Federal Budgetary Organization of Culture, RGSB*, <https://perma.cc/YN4Y-YLG6>.

⁵¹ Federal Law on Social Protection of Disabled Persons in the Russian Federation art. 15, paras. 1, 5, 6.

⁵² Order of the Federal Agency for Technical Regulation and Metrology No. 1789-ST, Nov. 29, 2012, replacing GOST R 52872-2007 and coming into force on January 1, 2014, National Standard of the Russian Federation, GOST R 52872-2012 Internet Resources. Accessibility Requirements for Visually Impaired Persons, <https://perma.cc/UB4A-L9AK> (in Russian).

⁵³ *Id.*

⁵⁴ *Id.* arts. 4.5, 4.6 of GOST.

⁵⁵ *Id.* arts. 5.1.2, 5.1.3 of GOST.

⁵⁶ *Id.* arts. 5.1.7.4, 5.1.7.7 of GOST.

In 2019, the government of the Russian Federation launched the Information and Analytical Portal of the State Program called Accessible Environment.⁵⁷ The website Accessible Environment contains an interactive map about accessibility to social facilities for all categories of disabled individuals in every constituent entity of the Russian Federation.⁵⁸ Additionally, the website allows any disabled individual to get information on the Federal Measures of Social Support in the country and apply to the Information and Reference Center or connect in online regime via the call center, consulting center, and internet portal, chats, etc. with issues related to social support and protection.⁵⁹

3. *Right to Vote*

According to the Constitution of the Russian Federation, citizens of the Russian Federation have the right to elect and be elected to state authorities and local self-government bodies, and to participate in referendums.⁶⁰

Since January 1, 2016, Russian legislation has provided conditions for unhindered access to this premise for disabled voters. In 2020, the Central Election Commission issued the Resolution on the Recommendations for Ensuring the Electoral Rights of Citizens of the Russian Federation with Disabilities during Elections in the Russian Federation.⁶¹ The document specifies what the election commission must do to ensure voting by the following categories of disabled individuals: blind and visually impaired; deaf; deafblind; and individuals with musculoskeletal function impairments.⁶²

According to the document, for informing visually impaired voters, commissions must consider using radio broadcasting networks and prepare informational materials in audio format (on digital media) about the election campaign, including the date, time, and place of voting, main electoral actions, and necessary contact information, such as phone numbers and addresses of precinct and territorial election commissions. Commissions must also consider preparing informational publications printed in large, easy-to-read fonts, and in Braille.⁶³

⁵⁷ *Home page*, Information and Analytical Portal of the State Program of the Russian Federation Accessible Environment, <https://perma.cc/7VX3-H5B7> (in Russian).

⁵⁸ *Map of Accessibility of Social Facilities*, Information and Analytical Portal of the State Program of the Russian Federation Accessible Environment, <https://perma.cc/CM7X-JMKQ> (in Russian).

⁵⁹ *Federal Measures of Social Support*, Information and Analytical Portal of the State Program of the Russian Federation Accessible Environment, <https://perma.cc/U9N5-49YH>; *Information and Reference Center*, Information and Analytical Portal of the State Program of the Russian Federation Accessible Environment, <https://perma.cc/PJ89-PPC6> (in Russian).

⁶⁰ Constitution of the Russian Federation, art. 32, para. 2.

⁶¹ Resolution of the Central Election Commission of Russia No. 262/1933-7 of July 29, 2020 on Recommendations for Ensuring the Electoral Rights of Citizens of the Russian Federation who are Disabled During Elections in the Russian Federation, <https://perma.cc/GH7T-JF4C> (in Russian).

⁶² *Id.* sec. 1, art. 1.4.

⁶³ *Id.* sec. 7, art. 7.2.

For informational support of deaf citizens during election campaigns, commissions must use text transmission of election information through fax and mobile devices. Commissions must use sign language interpretation or subtitles in television broadcasts about the preparation and conduct of elections.⁶⁴ For informational support of voters who use wheelchairs, commissions must place visual election information in public locations in a way that allows these voters to access and review it without additional effort.⁶⁵

In polling stations, where voters with disabilities are expected to vote, including those with musculoskeletal disorders who use wheelchairs, and visually impaired voters who use the services of companions, a special booth or another place equipped for secret voting must be installed.⁶⁶

A disabled person may request voting outside the polling place, i.e., at home or at a medical facility.⁶⁷ During elections, municipalities must organize public transportation services for disabled voters to reach polling stations.

4. *Right to Education (Inclusive Education)*

Article 5 of the Law on Education states that “citizens of the Russian Federation are guaranteed an opportunity to receive an education regardless of [their] state of health.”⁶⁸

Article 7 sets the stage for federal state education standards and for a distinct set of special education standards for “students with limited health capacity.”⁶⁹ Article 20 includes provisions requiring the delivery of professional education in designated institutions, including correctional professional education institutions for students with limited health capacity.⁷⁰ The education of students with disabilities may be organized both jointly with other students (inclusive education), and in separate classes or groups, or in separate organizations that carry out educational activities.⁷¹

Special education efforts are coordinated by the authorities of the constituent entities of the Russian Federation. They are in charge of conducting adapted basic general educational programs for the deaf, hard of hearing, late-deafened, blind, visually impaired, those with severe speech impairments, those with musculoskeletal disorders, those with mental retardation, and those with autism spectrum disorders.⁷²

⁶⁴ Id. sec. 7, art. 7.4.

⁶⁵ Id. sec. 7, art. 7.6.

⁶⁶ Id. sec. 8, art. 8.5.

⁶⁷ Id. sec. 11.

⁶⁸ Federal Law on Education art. 5, para. 1.

⁶⁹ Id. art. 7, para. 5.

⁷⁰ Id. art. 20.

⁷¹ Id. art. 79, para. 4.

⁷² Id. art. 79, para. 5.

The system of separate education for children with special needs has existed in Russia since the 1950s, however, in the 1970s, special education schools were divided into eight types depending on a child's needs (e.g., deaf, blind, speech impairment, etc.). Schools for students with intellectual disabilities were classified as type VIII schools. The same division of special (correctional) schools remains in place today.⁷³

Students are referred to special educational establishments by a public psychological and pedagogical counseling center.⁷⁴ A local government agency, the Psychological Medical Pedagogical Commission (PMPK), evaluates children with disabilities before they start school and decides whether a child should study in a special school, a special class, a general education class, or at home. In some cases, if the disability is not immediately apparent and manifests itself after the child starts his or her studies, evaluation is conducted after school starts.

The PMPK is authorized to refer children to correctional schools. Officially, the PMPK's decision is only a recommendation, and the final choice of instructional setting remains with the parents. The commission operates in accordance with the statute adopted by the Ministry of Education and Science of the Russian Federation.⁷⁵

5. Public Transportation

The Federal Law on Social Protection of People with Disabilities requires the creation of conditions for the unimpeded use of all means of transport and communications.⁷⁶

Article 15 requires the authorities at all levels and in all organizations to ensure an unimpeded access to social, engineering, and transportation infrastructure objects.⁷⁷

Mandatory compliance is imposed by a 2021 Government Resolution.⁷⁸ It is expected that by 2028, a phased and integrated approach to creating a barrier-free urban environment for persons with disabilities will be achieved by making motor vehicles, urban land electric vehicles, and bus stations more accessible.⁷⁹ Since 2023, it has been required to equip bus stations with technology

⁷³ Irina Vodonos, A Policy Analysis of Russia's Proposed Special Education Standards 11-12 (2012) (Master's thesis, University of Washington), <https://perma.cc/BP9E-35XV>.

⁷⁴ Id.

⁷⁵ Order of the Ministry of Education and Science of the Russian Federation No. 1082 of Sept. 20, 2013 on Approval of the Statute on the Psychological Medical Pedagogical Commission, *Rossiyskaya Gazeta*, (Oct. 23, 2013), <https://perma.cc/W8GE-4NT2> (in Russian).

⁷⁶ Federal Law on Social Protection of People with Disabilities in the Russian Federation art. 15, para. 2.

⁷⁷ Id. art. 15, paras. 1, 5, 6.

⁷⁸ Resolution of the Government of the Russian Federation No. 815 of May 28, 2021, on Approval of the List of National Standards and Codes of Practice (parts of such standards and codes of practice), the application of which ensures mandatory compliance with the requirements of the Federal Law "Technical Regulations on the Safety of Buildings and Structures", and on recognizing as invalid the Resolution of the Government of the Russian Federation of Jul. 4, 2020, No. 985, <https://perma.cc/2FWG-BWYH> (in Russian).

⁷⁹ Resolution of the Government of the Russian Federation of October 26, 2020, No.1742, on the Recognition of Acts and Individual Provisions of Acts of the Government of the Russian Federation as Invalid, on the Cancellation of Certain Acts and Individual Provisions of Acts of Federal Executive Bodies Containing

providing sound and visual information about the vehicle stops and other stopping points on transportation routes for boarding and disembarking.⁸⁰

B. Right to Access to Justice

Federal courts of general jurisdiction are required to take measures to ensure accessibility conditions for disabled persons, including those using wheelchairs and guide dogs.⁸¹

To qualify as being accessible, a court building must have the following: designated parking spaces for disabled persons; adapted elevators; handrails; ramps and roll ramps; mobile stair lifts; sliding doors; accessible entrance groups; call buttons; accessible sanitary and hygienic facilities; sufficient width of doorways, staircases, and landings; proper placement of equipment and information carriers; duplication of necessary visual information for persons with persistent visual impairments with auditory information, and inscriptions, signs, and other textual and graphic information in Braille using relief-dot letters; duplication of necessary auditory information with visual information for persons with hearing impairments; and availability of electronic devices (information kiosks) displaying information in a mode for users with visual impairments.⁸²

It appears that this work is in its early stages. It was reported as an achievement that, in 2023, the a district court building in the Omsk Region (Western Siberia) was equipped with a ramp and a call button in 2023.⁸³

According to a 2018 UN report, Russia had approved a targeted program for the reconstruction of court buildings, which would take into consideration the needs of persons with disabilities. The report states that “the Russian government has made efforts to improve accessibility for people with disabilities, including making over 3,000 court buildings accessible.”⁸⁴

Mandatory Requirements, Compliance with which is Assessed during Control Measures in the Implementation of Federal State Transport Supervision, Federal State Control (supervision) in the Field of Transport Safety, and Mandatory Requirements in the field of Technical Inspection of Vehicles, <https://perma.cc/ZZ7L-2LCT> (in Russian).

⁸⁰ Ministry of Transport of the Russian Federation, New standards for ensuring accessibility for disabled people of transport infrastructure, motor transport and urban ground electric transport, Federal Service for Transport Supervision, Rostransnadzor, <https://perma.cc/9MQ8-4S7G> (in Russian).

⁸¹ Judicial Department of the Supreme Court of the Russian Federation developed and approved by order No. 406 of December 31, 2015, the Regulations for Ensuring Accessibility Conditions for Disabled Persons in the Facilities of Federal Courts of General Jurisdiction, Federal Arbitration Courts, and the Judicial Department of the Supreme Court of the Russian Federation, art. 2, <https://perma.cc/GW4X-8CRU> (in Russian).

⁸² *Id.* art. 9.

⁸³ *Access to Justice for Groups of People with Limited Mobility: Poltavsky District Court*, Poltavka-BezFormata.com (Sept. 28, 2023), <https://perma.cc/BD5A-QQEL> (in Russian).

⁸⁴ Press Release, UN Human Rights, Committee on the Rights of Persons with Disabilities Examines the Report of Russia 16-17, OHCHR Treaty Bodies Press Releases (Feb. 28, 2018), pp. 16-17, <https://perma.cc/84XE-KXHC>.

The report reads, that by 2018, “50 % of the court buildings had elevators, while 25% had sanitary facilities for individuals with disabilities.” In 2018, there were

11 institutions to train sign language interpreters, while sign language interpreters were not registered, it was believed there were approximately 5,000 of them. Sign language interpreters were available in both civil and criminal cases, but in civil cases the cost had to be borne by the appellant, with the costs being met by the losing party. In criminal cases, the costs for interpretation would be borne by the state.⁸⁵

According to the report, while serving their sentences, minors with disabilities can attend school and sign language interpreters are provided for them if needed. “A pilot program had been introduced in 2017 for the transportation of detainees with disabilities in adapted vehicles or aircrafts. The Ministry of the Interior had also been working closely with the Russian Association for the Blind and had supplied 3,500 books in Braille to the prison system.”

According to article 20 of the Federal Law on Free Legal Assistance, in effect since January 15, 2012, the right to receive free legal assistance is granted to disabled individuals of the I and II groups; disabled children, and their legal representatives and guardians, if they seek free legal assistance regarding issues related to ensuring and protecting the rights and legitimate interests of such children; and elderly citizens and disabled individuals residing in social service organizations that provide social services in stationary forms.⁸⁶ Citizens who have the right to receive free legal assistance can obtain help in the form of oral or written legal consultations and preparation of legal documents, e.g., applications, complaints, petitions, etc.⁸⁷

In cases where the court considers an application for recognizing a person as legally incapable or discusses measures of state support for children with disabilities, free legal assistance in the form of representation in court can be received. Citizens with limited capacity have the right to independently choose a lawyer from the published lists for providing free legal assistance, and a lawyer is obliged to provide such assistance if the applicant has legal grounds for receiving it.⁸⁸

A list of lawyers providing free legal assistance within the state system is published on the official websites of the Bar Association of the Russian Federation and the All-Russian Society of Disabled People. Information about centers of free legal assistance can be found on the official websites of the Ministry of Justice of Russia and on the official website of the Center for the Development of Legal Clinics.⁸⁹ The Law on Free Legal Assistance does not provide for free legal assistance in criminal and administrative proceedings.

⁸⁵ Id.

⁸⁶ Federal Law of November 21, 2011, No. 324-FZ, on Free Legal Assistance in the Russian Federation, last amended on Dec. 25, 2023, with amendments and additions, <https://perma.cc/SMP7-JUE4> (in Russian).

⁸⁷ Id. art. 20, para. 1 (12-14).

⁸⁸ Id.

⁸⁹ *Bar Associations of the Constituent Entities of the Russian Federation*, Russian Federal Bar Association, <https://perma.cc/2J4L-QQH4> (in Russian); *Free Legal Assistance to Disabled People in the Russian Federation*, All-Russian Society of Disabled People (Together, We Can Achieve More), <https://perma.cc/DXJ2-XRA6> (in Russian); *Ministry of Justice of the Russian Federation*, Russian Government, <https://perma.cc/88M4-GWZA>; *Free Legal Aid Points*, Centers for Development of Legal Clinics, <https://perma.cc/CUG3-RPGP> (in Russian).

C. Right to Culture

Under law, access of disabled persons to cultural services and objects (theaters, concert halls, cinemas, museums etc.) is required.⁹⁰ It is the responsibility of cultural institutions' managers to ensure accessibility and train staff of these organizations.⁹¹

Cultural institutions are required to have trained service-providing employees. Other accessibility measures may include the usage of assistive and auxiliary technologies, mnemonic schemes, tactile arrows, and signs. Substitute wheelchairs must be on the premises to help with boarding and disembarking from a vehicle.⁹² Admission of a guide dog is allowed if there is a document confirming its special training.⁹³

In 1962, the Mimics and Gesture Theatre was founded in Moscow. It offers performances specifically designed for deaf people.⁹⁴

D. Right to Healthcare

The provision of health care to disabled persons is based on the concepts of rehabilitation and habilitation. Rehabilitation of disabled people is a process of full or partial restoration of the abilities of disabled people for every day, social, professional, and other activities. Habilitation is a process of developing the abilities that disabled people lack for every day, social, professional, and other activities. Rehabilitation and habilitation are aimed at eliminating or possibly more fully compensating for limitations in life activity, for the purpose of social adaptation.⁹⁵

Rehabilitation includes services such as reconstructive surgery, prosthetics and orthotics, and sanatorium-resort treatments.⁹⁶

Rehabilitation measures are carried out through the federal state program called Accessible Environment. It encompasses regional and municipal target programs for social protection and rehabilitation. Rehabilitation activities are offered at the expense of the federal budget within the

⁹⁰ Federal Law on Social Protection of Disabled Persons, arts. 14, 16; Order of the Ministry of Culture of the Russian Federation No. 2800 of Nov. 16, 2015 on Approval of the Procedure for Ensuring Conditions of Accessibility for Disabled People of Cultural Values and Benefits.

⁹¹ Id.

⁹² Id.

⁹³ Order of the Ministry of Labor and Social Protection of the Russian Federation No. 386n of Jun. 22, 2015 on Approval of the Form of the Document Confirming the Special Training of a Guide Dog and the Procedure for Issuing It, with two attachments, registered with the Ministry of Justice of Russia on Jul. 21, 2015, registration No. 38115, <https://perma.cc/L6XX-9WVQ> (in Russian).

⁹⁴ *History, Mimics and Gesture Theatre*, <https://perma.cc/S4PE-HQA7> (in Russian).

⁹⁵ Federal Law on the Social Protection of Disabled People in the Russian Federation art. 9.

⁹⁶ Id. art. 10.

limits of the Federal List of Rehabilitation Activities, Technical Means of Rehabilitation and Services Provided to Disabled Persons.⁹⁷

The Strategy for the Development of Health Care in the Russian Federation for the period up to 2025 provides for the simplification of the procedure for the examination of citizens to be designated as disabled.⁹⁸

E. Right to Employment

Obligations of employers regarding the organization of disabled persons' employment are defined by the law.⁹⁹

Organizations with more than 30 employees are required to establish a quota for hiring disabled persons as a percentage of the average number of employees but no less than three percent. Public associations of disabled persons and businesses owned by them are exempt from mandatory job quotas for disabled persons.¹⁰⁰

Higher quotas for hiring disabled persons can be established by regional executive authorities in case of non-fulfillment of the quota for hiring disabled persons. Employers make a mandatory payment in the established amount for each unemployed disabled person within the established quota to the State Employment Fund of the Russian Federation. The funds received are used specifically to create jobs for disabled persons.¹⁰¹

Additionally, the Labor Code of the Russian Federation establishes a number of benefits for disabled people in the field of labor, such as restrictions on the length of daily work hours, night work, work on weekends and holidays, and overtime. This work is allowed with written consent of the disabled employee. Disabled employees are entitled to the annual paid leave of 30 days and have the right to receive unpaid leave of up to 60 calendar days a year.¹⁰²

In 2019, concepts of social entrepreneurship and social enterprise were introduced on the legislative level. Enterprises, which provide employment for the least socially protected categories of citizens, including people with special needs and people with disabilities were recognized as special social enterprises and were promised support from the state authorities and local self-government bodies in such forms as granting subsidies, granting the right to use state

⁹⁷ Federal List of Rehabilitation Activities, Technical Means of Rehabilitation and Services Provided to Disabled Persons, approved by Decree of the Government of the Russian Federation No. 2347-r of Dec. 30, 2005, <https://perma.cc/MJ66-D8DP> (in Russian).

⁹⁸ Decree of the President of the Russian Federation No. 254 of June 6, 2019 on the Strategy for the Development of Healthcare in the Russian Federation until 2025, art. 27, paras. 15 & 16, <https://perma.cc/2NR8-UB4B> (in Russian).

⁹⁹ Federal Law on the Social Protection of Disabled People in the Russian Federation art. 24

¹⁰⁰ Id. art. 31.

¹⁰¹ Id.

¹⁰² Labor Code of the Russian Federation (Dec. 30, 2001), arts. 94, 96, 99, 113, 128, <https://perma.cc/NT7C-53QU> (in Russian).

and municipal property on preferential terms, organizing vocational training and education, and assistance in passing an independent assessment of qualifications of employees of social enterprises in accordance with the legislation of the Russian Federation.¹⁰³

¹⁰³ Federal Law No. 245-FZ of July 26, 2019, on Amendments to the Federal Law on the Development of Small and Medium Business in the Russian Federation in terms of Consolidating the Concepts of Social Entrepreneurship, <https://perma.cc/EV29-N7QG> (in Russian).

Saint Vincent and the Grenadines

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SUMMARY Saint Vincent and the Grenadines (SVG) is a signatory of the Marrakesh Treaty and of the Convention on the Rights of Persons with Disabilities. It has also adopted the UN Millennium Goals-Sustainable Development Goals that include commitments regarding persons with disabilities.

SVG Copyright (Amendment) Act No. 20 of 2018 has transported some provisions of the Marrakesh Treaty into SVG's domestic law. While currently SVG does not have legislation on the rights of persons with disabilities, it has pledged to adopt a law to address such rights by the end of 2025.

I. Legal Framework

A. Constitutional Protections

The Saint Vincent and the Grenadines (SVG) Constitution prohibits discrimination based on "sex, race, place of origin, political opinions, color or creed."¹ Mental or physical disability does not appear to be a ground for protection under its constitution.

B. International Obligations

1. Marrakesh Treaty

Saint Vincent and the Grenadines (SVG) acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (Marrakesh Treaty)² on September 5, 2016.³

A January 15, 2021, report by the Association of Research Libraries on the National Implementations of the Marrakesh Treaty stated that there was no known implementation of the

* Assisted by Jai-Len Williams, Law Library of Congress Intern.

¹ Constitution of Saint Vincent and the Grenadines No. 916 1979, § 13, <https://perma.cc/93FD-27AT>.

² Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, <https://perma.cc/NX5E-MJ8W>.

³ Marrakesh Notification No. 22 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled Accession by Saint Vincent and the Grenadines, <https://perma.cc/LP7U-XHDG>.

Treaty in SVG.⁴ However, SVG Copyright (Amendment) Act No. 20 of 2018 indicates that some provisions of the Marrakesh Treaty were transported into SVG's domestic law.⁵

According to the 2024 Marrakesh Treaty Questionnaire on SVG,⁶ the relevant provisions of the Marrakesh Treaty are implemented in domestic legislation by the Copyright (Amendment) Act No. 20 of 2018.⁷ The questionnaire also indicates that the authorized entity in SVG is the National Public Library Archives and Documentation Services (NPLADS).⁸

Section 2 of the amendment provides definitions for “accessible format copy,” “authorized entity,” and a “person who is visually impaired or print disabled,” also referred to in the Treaty as “beneficiaries.” Section 61C permits the distribution of “accessible format copies” and the amendment adds sections 61A-61F, which are headed “exceptions to facilitated access to published works for persons who are blind and VIPs.”⁹

2. *Convention on the Rights of Persons with Disabilities*

On October 29, 2010, SVG acceded to the Convention on the Rights of Persons with Disabilities (CRPD)¹⁰ and the Optional Protocol to the Convention.¹¹ SVG appears to have engaged in the consultation phase in 2021-2022 to inform the drafting of the Disabilities Act.¹²

The Government of SVG embarked on a project to implement a “Responsive Social Protection Service Delivery System” which was tasked with developing the country's first disability act.¹³ A press release, dated November 16, 2021, states that the government is seeking input to ensure inclusion for persons with disabilities within the Vincentian populace. A survey was attached to the press release. It also states that the proposed legislation is to be guided by the CRPD.¹⁴

⁴ Jonathan Band & Krista Cox, *National Implementation of the Marrakesh Treaty by Countries That Have Ratified or Acceded to the Treaty*, Association of Research Libraries (Revised January 15, 2021), <https://perma.cc/G982-4CDP>.

⁵ Copyright (Amendment) Act No. 20 of 2018, <https://perma.cc/UF6U-DTEG>.

⁶ *Marrakesh Treaty Questionnaire – Saint Vincent and the Grenadines (Questionnaire)*, Nat'l Pub. Libr. Archives & Documentation Ctr., St. Vincent & Grenadines, <https://perma.cc/9XAT-QBJZ>.

⁷ Copyright (Amendment) Act No. 20 of 2018.

⁸ *Questionnaire*, supra note 6.

⁹ Copyright (Amendment) Act No. 20 of 2018 §§ 61A-61F.

¹⁰ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

¹¹ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2518 U.N.T.S. 283, <https://perma.cc/H8V4-CJKY>.

¹² Press Release, Ministry of Nat'l Mobilisation, Soc. Dev., the Family, Gender Affairs, Youth, Housing, and Informal Hum. Settlements (Nov. 16, 2021), <https://perma.cc/64X5-4NGT>.

¹³ *Id.*

¹⁴ *Id.*

In December 2023, SVG made a pledge to the Human Rights Secretariat to complete the passing of the Disabilities Act to comply with the CRPD by December 31, 2025.¹⁵

According to a May 2022 media report, the Disabilities Act was expected to ensure that all public and private sector institutions would be mandated to offer access to persons with disabilities. Several laws would have to be amended to implement the requirements under the act, including the Education Act,¹⁶ and the Town and Country Planning Act.¹⁷

3. *UN Millennium Development Goals*

The initial eight Millennium Development Goals (MDGs) ranged from halving extreme poverty rates to halting the spread of HIV/AIDS and providing universal primary education, all by the target date of 2015. The new agenda calls on countries to begin efforts to achieve 17 Sustainable Development Goals (SDGs) over the next 15 years up to 2030.¹⁸

The following five SDGs focus on persons with disabilities:

- SDG 4 - providing inclusive and equitable quality education for the vulnerable, including persons with disabilities,
- SDG 8 - promoting full and productive employment and decent work for all, including persons with disabilities,
- SDG 10 - reducing inequality within and among countries by empowering and promoting the social, economic, and political inclusion of all, including persons with disabilities,
- SDG 11 - making cities and human settlement inclusive, safe, and sustainable, and
- SDG 17 - enhancing capacity-building support to developing countries, including least developed countries and small island developing states, which would increase data that is also disaggregated by disability.¹⁹

SVG was one of the 193 Member States of the United Nations that adopted the SDGs in September 2015. According to the SVG Statistical Office,

The implementation of the SDGs in St Vincent and the Grenadines is led by the Economic Planning Unit, Ministry of Finance, Economic Planning and Information Technology, the Ministry of National Mobilisation etc., and the Statistical Office which is the repository for the data. These three entities have committed to coordinate and collaborate with other Government Ministries, Departments and Agencies, the Private Sector, Civil Society,

¹⁵ Pledge Submitted by Saint Vincent and the Grenadines to the Human Rights 75 Secretariat (2023), OHCHR, <https://perma.cc/73XP-8YMS>.

¹⁶ Education Act No. 34 of 2006, Revised Laws of SVG ch. 202 of 2009, <https://perma.cc/4XEU-VP72>.

¹⁷ *Disability Act Will Force Amendments to Other Pieces of Legislation* (May 24, 2022), Searchlight, <https://perma.cc/5TDE-9Q45>.

¹⁸ UN, *Millennium Development Goals and Beyond 2015*, <https://perma.cc/TBX6-MV5X>.

¹⁹ UN, *Sustainable Development Goals and Disability*, <https://perma.cc/59XQ-G8YX>.

Academia and other local, regional and international stakeholders for the successful implementation of the SDGs in St Vincent and the Grenadines.²⁰

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

The proposed Disabilities Act has not yet passed into law in SVG.

II. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

There is one main library in SVG for all persons at the National Public Library, Archives and Documentation Services (NPLADS), which also offers services to persons who are print disabled in partnership with the Accessible Books Consortium. According to the NPLADS website, the service is available for all ages and includes the delivery of audio books via WhatsApp or email to persons who are print disabled. However, the requirements are possessing a print disability and access to a smart phone, tablet, or computer—as they are the media used to send books. Persons who do not have any electronic devices may use the computers at the National Library.²¹ According to the Marrakesh Treaty Questionnaire, as of 2024, there are 157 accessible titles.²²

2. Public Legal Information

There is no available information online that suggests that public information, including parliamentary proceedings, parliamentary documents, and court documents are available in medium specific for persons with disabilities in SVG. A St Vincent Times article dated December 4, 2023, encouraged the state and relevant non-state actors to work together to make SVG a more inclusive society for persons living with disabilities.²³

B. Right to Access to Justice

Without the passage of the proposed Disabilities Act, there currently appears to be no clear or specific indication of the rights disabled persons have in relation to access to justice, during trial, or after trial in relation to tools, resources, and accommodations.

C. Right to Culture

Similarly, without the passage of the proposed Disabilities Act, there currently appears no clear or specific indication of the rights disabled persons have in relation to culture.

²⁰ SDGs, Statistical Office, <https://perma.cc/9X4S-9JCH>.

²¹ *Audio Book Service for the Print Disabled*, NPLADS, <https://perma.cc/6SUP-9C6R>.

²² *Questionnaire*, supra note 6.

²³ Jeshua Bardoo, Letter to the Editor, *Make St Vincent More Accessible to Physically Disabled People*, St. Vincent Times (Dec. 4, 2023), <https://perma.cc/96AG-8683>.

III. Current Legislative Proposals on Access for Persons with Disabilities

The current legislative proposal on access for persons with disabilities is the Disabilities Act, which is pledged to be enacted by December 31, 2025, in SVG.²⁴ The Copyright Act No. 20 of 2018 provides for or regulates the limitations and exceptions to facilitate access to published works for persons who are blind or visually impaired.²⁵

²⁴ Pledge Submitted by Saint Vincent and the Grenadines to the Human Rights 75 Secretariat (2023).

²⁵ Copyright Act No. 20 of 2018, <https://perma.cc/6E2V-C3BT>.

Saudi Arabia

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SUMMARY The Saudi Basic Law of Governance provides protection to persons with disabilities. The Kingdom of Saudi Arabia is a party to the Marrakesh Treaty and the Convention on the Rights of Persons with Disabilities.

Saudi Arabia's 2023 Law on the Rights of Persons with Disabilities is intended to enhance and protect the rights of persons with disabilities and provide punishments for anyone who discriminates against them. This law stipulates that persons with disabilities must have the right to access all sources of information by making these sources available.

In addition, it emphasizes the right of persons with disabilities to access public and legal information, including crucial details regarding the requirements for admission to educational institutions.

I. Introduction

The Saudi Basic Law of Governance provides protection to persons with disabilities.¹ Additionally, the System (Law) on Rights of Persons with Disabilities, which was issued in August 2023, facilitates the accessibility of persons with disabilities to legal information and vocational training.² Moreover, Saudi Arabia is a member in an array of international agreements protecting the rights of persons with disabilities.

This report discusses the main legal framework regulating the rights of persons with disabilities to access legal and public information and the justice system. Furthermore, this report addresses international obligations of Saudi Arabia regarding the rights of persons with disabilities.

II. Legal Framework

A. Constitutional Protections

The Saudi Basic Law of Governance guarantees the rights of persons with disabilities. Article 27 of the basic law stipulates that the Saudi authorities guarantee the rights of Saudi citizens and their families in cases of emergency, illness, disability, and old age.³

¹ Saudi Basic Law of Governance, <https://perma.cc/FL95-PSAP>.

² Royal Decree No. M/27 of 11/2/1445 Hijri Promulgating Cabinet Resolution No. 110 of 6/2/1445 (Aug. 22, 2023), <https://perma.cc/JR94-G9RN> (in Arabic).

³ Saudi Basic Law of Governance art. 27.

B. International Obligations

The Kingdom of Saudi Arabia acceded to the Marrakesh Treaty on November 21, 2018.⁴ The treaty entered into force, with respect to the Kingdom of Saudi Arabia, on February 21, 2019.⁵

According to the Arab News, in October 2019, the Saudi Authority for Intellectual Property signed a tripartite cooperation agreement with the Kafeef Association of the Blind and Al-Obeikan Bookstore. The agreement aims to implement the Marrakesh Treaty by facilitating the access by persons with disabilities, including visually impaired persons, to reading materials free of charge.⁶

Furthermore, the Kingdom of Saudi Arabia ratified the Convention on the Rights of Persons with Disabilities on June 24, 2008.⁷ Lastly, Saudi Arabia signed the Millennium Declaration in September 2000. According to a report issued by the Deployment Program on Millennium Development Goals, the government of Saudi Arabia has provided services to thousands of persons with disabilities.⁸

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

In August 2023, the Kingdom of Saudi Arabia issued Royal Decree No. M/27 of 11/2/1445 Hijri promulgating Cabinet Resolution No. 110 of 6/2/1445 (Aug. 22, 2023) on the System (Law) on the Rights of Persons with Disabilities.⁹

The Law on the Rights of Persons with Disabilities is designed to enhance and protect the rights of persons with disabilities in the society, while holding accountable those who engage in discriminatory practices.¹⁰ Additionally, the law mandates that government authorities implement public awareness campaigns to educate the public about the rights of persons with disabilities.¹¹

⁴ WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154, <https://perma.cc/XD3B-926S>.

⁵ Marrakesh Notification No. 49, Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, Accession by the Kingdom of Saudi Arabia, World Intell. Prop. Org., <https://perma.cc/2QED-C4KN>.

⁶ *Saudi Arabia Ratifies Marrakesh Treaty for the Blind*, Arab News (Oct. 21, 2019), <https://perma.cc/R5L5-TNUC>.

⁷ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

⁸ United Nations Development Program, *Kingdom of Saudi Arabia: Millennium Development Goals* (2005), <https://perma.cc/WVG5-ASGB>.

⁹ Royal Decree No. M/27 of 11/2/1445 Hijri Promulgating Cabinet Resolution No. 110 of 6/2/1445 (Aug. 22, 2023).

¹⁰ Id. art. 2.

¹¹ Id. art. 13.

This law ensures that all persons with disabilities have access to sources of information that enhance their personal knowledge, including cultural information.¹²

III. Rights of Disabled Persons

A. Right to Information

1. Publicly Funded NLS-Style Library

The Law on the Rights of Persons with Disabilities stipulates that persons with disabilities must have the right to access all sources of information by making these sources available to them. Sources of information can be provided to persons with disabilities through reading and listening materials.¹³

The Library of the Prince Sultan University, a private university, located in the capital Riyadh, offers its services to persons with disabilities and those who have visual challenges.¹⁴ We were unable to locate information on whether the Kingdom of Saudi Arabia has a publicly funded NLS-style library.

2. Public Information

In its efforts to enhance the access of persons with disabilities to religious materials, the Saudi Kafeef Association has provided visually impaired persons with copies of the Muslim holy book, the Quran, in Braille. This measure is intended to assist visually impaired persons in reading and memorizing the Quran.¹⁵

3. Legal Information and Access to the Justice System

The Saudi Law on the Rights of Persons with Disabilities stresses the right of persons with disabilities to access to legal information, including court documents. The law requires courts to provide necessary assistance to persons with disabilities throughout the investigation and trial processes, ensuring equal access to justice..¹⁶

B. Right to Access Information About Public Education and Vocational Training

The Law on the Rights of Persons with Disabilities stipulates that persons with disabilities must have access to information about the requirements for admission to educational institutions. This law requires elementary, middle, and high schools as well as universities to provide all available information to persons with disabilities concerning requirements for admission and the curricula.

¹² Id. art. 12

¹³ Id. art. 14.

¹⁴ *Services for Users with Disability*, Prince Sultan U., <https://perma.cc/97SQ-UXHB>.

¹⁵ *Kafeef Opens a Fitness Center for the Visually Impaired in Riyadh*, Saudi Gazette (Aug. 15, 2012), <https://perma.cc/YH4L-TVAQ>.

¹⁶ Cabinet Resolution No. 110 of 6/2/1445 Related to the Law on the Rights of Persons with Disabilities art. 4.

Additionally, it requires institutions offering vocational training to provide training programs specifically designed for persons with disabilities, helping them integrate into the Saudi workforce and achieve greater economic independence.¹⁷

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

We were unable to locate any new proposals of legislation on access to information for persons with disabilities.

¹⁷ Id. art. 8.

South Korea

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SUMMARY South Korea has ratified the Convention on the Rights of Persons with Disabilities, its Optional Protocol and the Marrakesh Treaty. Various laws in South Korea protect the rights of persons with disabilities. Other than antidiscrimination and welfare legislation, laws covers specific areas, such as developmental disabilities, physical barriers, employment, health, and education.

I. Introduction

Although South Korea's Constitution does not directly mention the rights of persons with disabilities,¹ various laws protect their rights. Other than anti-discrimination and welfare legislation, there are laws regulating specific areas, such as developmental disabilities, physical barriers, employment, health, and education.

II. Legal Framework

A. Constitutional Protections

The Constitution of the Republic of Korea protects human rights, guarantees the equal rights of all citizens, and mentions the welfare of people with physical disabilities. It states

Article 10 All citizens shall be assured of human worth and dignity and have the right to pursuit of happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals. . . .

Article 11(1) All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status. . . .

Article 34 (1) All citizens shall be entitled to a life worthy of human beings. . . .

(5) Citizens who are incapable of earning a livelihood due to a physical disability, disease, old age or other reasons shall be protected by the State under the conditions as prescribed by Act.

* At present, there are no Law Library of Congress research staff members versed in Korean. This report has been prepared by the author's reliance on practiced legal research methods and on the basis of relevant resources currently available in the Law Library and online.

¹ Constitution of the Republic of Korea, Constitution No. 10, Oct. 29, 1987, <https://perma.cc/RNP6-97RF>.

B. International Obligations

South Korea ratified the Convention on the Rights of Persons with Disabilities in 2008,² and it ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities in 2022.³ South Korea is a party to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled,⁴ having acceded to it in October 2018.⁵

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

1. Antidiscrimination Law

The Act on the Prohibition of Discrimination Against Persons With Disabilities and Remedy Against Infringement of Their Rights (APDPD) prohibits discrimination on the basis of disability.⁶ A disability, under this act, means “a physical or mental impairment or loss of function that substantially limits an individual’s personal or social activities for an extended period of time.”⁷ Discriminatory acts are prohibited in employment and education, among other sectors.⁸ Employers, educators, and others specified in the act must provide reasonable accommodations for persons with disabilities.⁹ Refusing to provide a reasonable accommodation to persons with disabilities without justifiable grounds amounts to discrimination.¹⁰

When a discriminatory act occurs, the National Human Rights Commission has the authority to receive a complaint.¹¹ Its Disability Rights Division is responsible for investigation.¹² If the commission makes a recommendation to correct a discriminatory act to a person who committed the act, and that person fails to comply with the recommendation, the commission notifies the

² Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

³ *Status of Ratification Interactive Dashboard: Republic of Korea*, OHCHR, <https://perma.cc/W6F2-ZLCU>.

⁴ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, June 27, 2013, 3164 U.N.T.S. 453, <https://perma.cc/NG5V-DJLT>.

⁵ Marrakesh Notification No. 11, WIPO, <https://perma.cc/9VPY-UVN2>.

⁶ Act on the Prohibition of Discrimination Against Persons with Disabilities and Remedy Against Infringement of Their Rights (APDPD), Act No. 8341, Apr. 10, 2007, amended by Act No. 17792, Dec. 29, 2020, art. 6, <https://perma.cc/3G77-HUYR>.

⁷ *Id.* art. 2.

⁸ *Id.* arts. 10, 11.

⁹ *Id.* arts. 13, 14.

¹⁰ *Id.* art. 4, para. 1, subpara. 3.

¹¹ *Id.* art. 38.

¹² *Id.* art. 39, 40.

Ministry of Justice.¹³ The ministry may order the violator to make the correction at the request of the victim or ex officio.¹⁴

If any person commits discriminatory acts prohibited under the statute and such an act is deemed to be malicious, the person is punishable by imprisonment for not more than three years or a fine not exceeding 30 million won (about US\$2,150).¹⁵ A person who fails to comply with a corrective order by the Ministry of Justice without good cause is subject to an administrative fine not exceeding 30 million won.¹⁶

Furthermore, discriminating against someone based on disability is prohibited by other laws, including the Welfare of Disabled Persons Act,¹⁷ the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act,¹⁸ the Act on the Right to Health and Access to Medical Services for Persons with Disabilities,¹⁹ and the Act on Special Education for Persons with Disabilities.²⁰

2. *Welfare*

The Act on Welfare of Persons with Disabilities aims to advance overall welfare measures for persons with disabilities and prescribes provision of financial support, services, and goods.²¹ Under the act, “‘person with a disability’ means a person whose daily life or social activity is substantially hampered by physical or mental disability over a long period of time.” Physical disability means “a disability of principal external bodily functions and of internal organs, etc.” and mental disability means “a disability caused by psychological development disorder or mental disease.”

Under the Disability Pension Act, eligible persons with severe disabilities who are age 18 or older can receive disability pension benefits.²²

¹³ Id. art. 42.

¹⁴ Id. art. 43.

¹⁵ Id. art. 49, para. 1.

¹⁶ Id. art. 50.

¹⁷ Act on Welfare of Persons with Disabilities, Act No. 8367, Apr. 11, 2007, amended by Act No. 19303, Mar. 28, 2023, <https://perma.cc/SFA5-BZND>.

¹⁸ Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities, Act No. 8491, May 25, 2007, amended by Act No. 18754, Jan. 11, 2022, <https://perma.cc/8UW7-FMSX>.

¹⁹ Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, Act No. 13661, Dec. 29, 2015, amended by Act No. 19301, Mar. 28, 2023, <https://perma.cc/KL8D-ZEA9>.

²⁰ Act on Special Education for Persons with Disabilities, Act No. 8852, Feb. 29, 2008, amended by Act No. 18992, Oct. 18, 2022, <https://perma.cc/6WAQ-6TFV>.

²¹ Act on Welfare of Persons with Disabilities art. 1.

²² Disability Pension Act, Act No. 16761, Dec. 10, 2019, amended by Act No. 16869, Jan. 21, 2020, art. 4, para. 1, <https://perma.cc/DK5P-VQQT>.

Persons with disabilities can also receive an activity support allowance, such as for activity assistance, a bathing service, nursing service visits,²³ and housing support.²⁴

a. Children with Disabilities

For persons with disabilities under the age of 18, the Act on Welfare Support for Children with Disabilities applies.²⁵ The act prescribes medical subsidies, developmental rehabilitation services, and childcare assistance, among other things.²⁶

b. Persons with Developmental Disabilities

For persons with developmental disabilities, South Korea has enacted the Act on Protection of Rights and Support for Persons with Developmental Disabilities.²⁷ A person with a developmental disability means any of the following persons with disabilities as defined by the Act on Welfare of Persons with Disabilities:

- Person with an intellectual disability: A person who has considerable difficulty managing his or her own activities and adapting to social life due to permanent retardation of mental development and insufficient or incomplete development of intellectual ability.
- Person with autistic disorder: A person who needs another person's aid because of considerable impediments in his or her daily life or social life due to a disorder in functions and capabilities for language, bodily expression, self-control, and social adaptation, caused by childhood autism or atypical autism.
- Other persons prescribed by presidential decree as those who have considerable impediments in their daily lives or social lives because of lack or significant retardation of ordinary development.²⁸

3. *Barrier Free*

The Act on Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women obligates owners of parks, public buildings and public facilities, multifamily housing, and telecommunications facilities to make these barrier-free for persons with disabilities when they

²³ Act on Activity Assistant Services for Persons with Disabilities, Act No. 10426, Jan. 4, 2011, amended by Act No. 18901, June 10, 2022, art. 2, <https://perma.cc/8V3J-3ZSM>.

²⁴ Act on the Support for Housing Disadvantaged Persons Including Persons with Disabilities and the Aged, Act No. 11370, Feb. 22, 2012, amended by Act No. 19389, Apr. 18, 2023, <https://perma.cc/N2XB-4X75>.

²⁵ Act on Welfare Support for Children with Disabilities, Act No. 11009, Aug. 4, 2011, amended by Act No. 19300, Mar. 28, 2023, art. 2, subpara. 1, <https://perma.cc/X3HA-AQCP>.

²⁶ Id. arts. 19, 21, & 22.

²⁷ Act on Protection of Rights and Support for Persons with Developmental Disabilities, Act No. 12618, May 20, 2014, amended by Act No. 19649, Aug. 16, 2023, <https://perma.cc/H44M-538G>.

²⁸ Id. art. 2.

build or install them or make major changes in them.²⁹ When the central and local governments newly construct an urban park or a public building, they must acquire barrier-free certification of the park or building.³⁰

4. *Employment*

The Act on The Employment Promotion and Vocational Rehabilitation of Persons with Disabilities states that the central and local governments must employ persons with disabilities to fill at least 3.8% of their public positions.³¹ It also states that, for any business that regularly employs at least 50 workers, at least 3.1% of the total workforce must consist of persons with disabilities.³² This act also prescribes the measures to be taken for persons with disabilities for vocational guidance, vocational adaptation training, vocational skills development training, job placement, and guidance for adaptations while employed.³³

Under the Act on the Facilitation of Entrepreneurial Activities of Persons with Disabilities, the government provides persons with disabilities who start a business with counseling, assistance in business management, provision of assistive technology devices, financial support, and preferential purchase by public institutions.³⁴

The Special Act on the Preferential Purchase of Products Manufactured by Persons with Severe Disabilities obliges public entities to preferentially purchase the products or services made by persons with severe disabilities.³⁵ By this measure, the job opportunities for persons with severe disabilities who face difficulties in entering a competitive labor market is promoted.

5. *Health*

The Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities lists its fundamental concepts as follows:

- A person with disabilities shall have the right to optimum health care and protection.
- No person with disabilities shall receive discriminatory treatment in health care and health care services due to any disability.

²⁹ Act on Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women, Act No. 5332, Apr. 10, 1997, amended by Act No. 18219, June 8, 2021, arts. 3, 7, & 9, <https://perma.cc/K2GS-T7ZF>.

³⁰ Id. art. 10-2.

³¹ Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities art. 27.

³² Id. art. 28, para. 1; Enforcement Decree of the Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities, Presidential Decree No. 20308, Oct. 4, 2007, amended by Presidential Decree No. 34533, May 28, 2024, art. 25, <https://perma.cc/Y3GP-G2L5>.

³³ Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities ch. II.

³⁴ Act on the Facilitation of Entrepreneurial Activities of Persons with Disabilities, Act No. 7632, July 29, 2005, amended by Act No. 19017, Oct. 18, 2022, arts. 8-2, 9, & 9-2, <https://perma.cc/G8TR-J3PN>.

³⁵ Special Act on the Preferential Purchase of Products Manufactured by Persons with Severe Disabilities, Act No. 8945, Mar. 21, 2008, amended by Act No. 19228, Mar. 4, 2023, arts. 7-7-3, <https://perma.cc/6DFV-G5RW>.

- A person with disabilities shall have the right of access to health care and health care services equivalent to those for non-disabled persons.³⁶

The national and local governments operate a general medical examination and health care program for persons with disabilities.³⁷ The Ministry of Health and Welfare provides a rehabilitative exercise program on a doctor's prescription to persons with disabilities.³⁸ The governments may subsidize medical expenses to persons with disabilities who are deemed unable to bear medical expenses.³⁹

6. Education

The Act on Welfare of Persons with Disabilities states that the national and local governments must upgrade contents and methods of education for persons with disabilities to sufficiently educate them based on their age, capabilities, and type and degree of disability under the principle of social integration.⁴⁰ The Act on Welfare Support for Children with Disabilities states that children with disabilities have a right to education appropriate for development and to improve their abilities.⁴¹ Under the Act on Special Education for Persons with Disabilities, special education courses from kindergarten through high school are compulsory and free. A one-year course for high school graduates and prekindergarten education are not mandatory, but provided free of charge.⁴²

III. Rights of Persons with Disabilities

A. Right to Information

The right to information for persons with disabilities is stated in the following laws:

- Act on Welfare of Persons with Disabilities

Article 22

(1) The State and local governments shall endeavor to improve telecommunications and broadcasting facilities, etc. to make access to information and expressing opinions easier for people with disabilities.

(2) The State and local governments shall request private broadcasting business entities . . . to broadcast programs . . . , including news and major national affairs, with

³⁶ Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, Act No. 13661, Dec. 29, 2015, amended by Act No. 19301, Mar. 28, 2023, art. 2, <https://perma.cc/KL8D-ZEA9>.

³⁷ Id. arts. 7, 8.

³⁸ Id. art. 15.

³⁹ Id. art. 17.

⁴⁰ Act on Welfare of Persons with Disabilities art. 20, para. 1.

⁴¹ Act on Welfare Support for Children with Disabilities art. 4, para. 3, 6.

⁴² Act on Special Education for Persons with Disabilities, Act No. 8852, Feb. 29, 2008, amended by Act No. 18992, Oct. 18, 2022, art. 3, <https://perma.cc/6WAQ-6TFV>.

the captioning of Korean sign language or closed captioning for hearing-impaired persons, and screen readers, captions, etc. for visually impaired persons.⁴³

- Framework Act on National Informatization

Article 32

(1) National agencies, etc. shall guarantee accessibility in providing information or services through the Internet so that persons with disabilities, aged persons, etc. may easily use a website.

(5) The Minister of Science, ICT and Future Planning shall determine and announce the types, guidelines, etc. of information communications services, information communications products, etc. for the purpose of improving access to information by persons with disabilities, aged persons, etc. and the related user convenience.

- APDPD

Article 21

(1) Public institutions, and cultural and artistic business operators, among others, must “provide necessary means, such as Korean sign language and writing, to ensure that persons with disabilities may access and use electronic and non-electronic information produced and distributed by such entities, etc. on an equal basis with persons without disabilities.”⁴⁴

(3) Broadcasting business and Internet multimedia broadcast business entities must “provide convenience for viewers with disabilities, including closed captions, Korean sign language interpretation, and descriptive video services.”⁴⁵

1. Publicly Funded NLS-Style Library

The Library Act, Act No. 4746 of 1994 obligates the national government to establish the National Library for the Disabled under the jurisdiction of the Ministry of Culture, Sports and Tourism.⁴⁶ The National Library for the Disabled must ensure access to library materials for people with disabilities.⁴⁷ Its website states

The National Library for the Disabled converts books necessary for studying, jobs, self-development, and culture into alternative materials and distributes them for those with each type of disability, in order to provide those with disabilities with the same free access to information and ease of use of materials as those without disabilities.⁴⁸

⁴³ Act on Welfare of Persons with Disabilities art. 22.

⁴⁴ APDPD art. 21, para. 1.

⁴⁵ Id. art. 21, para. 3.

⁴⁶ Library Act, Act No. 4746, Mar. 24, 1994, amended by Act No. 19592, Aug. 8, 2023, art. 24, para. 1, <https://perma.cc/JKW6-WUZX>.

⁴⁷ Id. art. 24, para. 2, subpara. 4.

⁴⁸ *Production of Alternative Materials*, Nat’l Libr. for the Disabled, <https://perma.cc/PK34-5XZS>.

The National Library for the Disabled may request the person who published or produced library materials to submit them as library materials in the form of digital files. In this case, the person who receives the request must do so within 30 days from the date of receipt of the request, unless there is a justifiable reason that the request cannot be fulfilled.⁴⁹

2. *Public Legal Information*

The Enforcement Decree of APDPD, Presidential Decree No. 33367 of 2023, states that the “necessary means” to be provided by public institutions, among others, under the APDPD include a “website that is accessible so that anyone, regardless of their physical or technical condition, can use the services they want through the website.”⁵⁰

The Korea Digital Accessibility Agency, which is operated by the Korea Federation of the Blind, has conducted national and local government web accessibility compliance surveys annually since 2006.⁵¹ The websites of the National Assembly, courts, and the Ministry of Legislation bear the logo of web accessibility certification by the Korea Digital Accessibility Agency.

B. Right of Access to Justice

The APDPD has provisions that prohibit discrimination in providing judicial procedures and services.

Article 26

- (4) Each public institution or its employee shall provide judicial and administrative procedures and services to the extent that persons with disabilities can use them on a substantially equal basis with persons without disabilities, and shall provide reasonable accommodation for that purpose.
- (5) If a person with a disability requests the provision of reasonable accommodation, such as creating and providing forms that he or she can recognize and fill out on his or her own, for participating in judicial and administrative procedures and services, no public institution or its employee shall put the person with a disability at a disadvantage by denying or arbitrarily processing such request.
- (6) A judicial institution shall confirm whether a person related to a case has a disability in communication or expression of opinion, and inform such person with a disability of the fact that he or she may receive assistance in criminal proceedings and of the details of such assistance. In such cases, if the relevant person with a disability requests assistance in criminal proceedings, the institution shall not refuse such request without good cause and take necessary measures therefor.

⁴⁹ Library Act art. 24, para. 3.

⁵⁰ Enforcement Decree of APDPD, Presidential Decree No. 33367, Mar. 30, 2023, art. 14, <https://perma.cc/SY84-PP84>.

⁵¹ 인사말 (*Greeting*), Korea Digital Accessibility Agency, <https://perma.cc/5EZY-ARZ2>.

The Act on Welfare of Persons with Disabilities obligates courts to provide assistance in communicating to persons with disabilities.

Article 59-16

- (1) Where a person with a disability who is a victim of a crime case . . . has difficulties in conducting communication or expressing his or her intention, a prosecutor, judicial police officer, or court may, ex officio or upon request by the victim or (his or her) assistant (who was permitted by the court), require an (assistant with expertise) to participate in the investigation process, verification, or examination of witnesses to mediate or assist in communication.
- (2) A prosecutor, judicial police officer, or court shall notify a victim or his or her assistant that he or she can request mediation of or assistance in communication through an (assistant with expertise) before the investigation and verification of the victim or the examination of a witness.

For persons with developmental disabilities, the Act on Protection of Rights and Support for Persons with Developmental Disabilities has provisions to protect their rights.

Article 12

- (2) If a person with a developmental disability becomes a party to a judicial proceeding, his or her guardian, a staff member of the central support center for persons with developmental disabilities, or a local support center for persons with developmental disabilities . . . or a person who has a reliable relationship with the person with a developmental disability may serve as an assistant thereto in trials of the court, with permission from the court.

The same applies when an investigative authority investigates a person with developmental disability. The National Police Agency conducts educational programs for police officers to promote better understanding of persons with developmental disabilities.⁵² Each district prosecutors' office and each police station has a designated prosecutor or police officer who is exclusively in charge of persons with developmental disabilities.⁵³

C. Right to Culture

Under the Act on the Support for Cultural and Artistic Activities of Artists with Disabilities, Act No. 17415 of 2020, the national and local governments must “develop policy measures to support the cultural and artistic activities of artists with disabilities.”⁵⁴ The national and local governments and public institutions must prioritize the purchase of creative works produced by artists with disabilities when they purchase such works. The national or local governments may provide financial support to institutions that make preferential purchases of creative works produced by artists with disabilities.⁵⁵ Business owners who hire artists with disabilities may

⁵² Act on Protection of Rights and Support for Persons with Developmental Disabilities, art. 12, para. 1, 4.

⁵³ Id. art. 13, para. 1, 2.

⁵⁴ Act on the Support for Cultural and Artistic Activities of Artists with Disabilities , Act No. 17415, June 9, 2020, amended by Act No. 18987, Sept. 27, 2022, art. 9, <https://perma.cc/D3KP-7NP9>.

⁵⁵ Id. art. 9-2.

receive financial support from the national and local governments.⁵⁶ In addition, operators of cultural facilities that improve the accessibility of artists with disabilities may receive financial support from the national and local governments.⁵⁷ Further, the national and local governments may provide money to cover the expenses incurred by organizations relating to artists with disabilities in performing their functions.⁵⁸

For persons with developmental disabilities, the Act on Protection of Rights and Support for Persons with Developmental Disabilities prescribes the national and local governments' assistance in cultural, artistic, recreational, and sports activities.

Article 27

- (1) The State and local governments may render assistance to persons with developmental disabilities so that they can view, participate in, or enjoy movies, exhibitions, museums, and various events, etc. held by the State, local governments, etc.
- (2) The State and local governments may provide persons with developmental disabilities with facilities, playing equipment, programs, and other equipment, etc. designed appropriately for their special conditions and interest to encourage them to participate in cultural, artistic, recreational, and sports activities.
- (3) The State and local governments may subsidize recreational sports events and organizations related to recreational sports to promote recreational sports of persons with developmental disabilities.

For children with disabilities, the Act on Welfare Support for Children with Disabilities states the national and local governments must “endeavor to provide as much necessary services to children with disabilities as possible in the areas of culture, art, sports,” among other areas.⁵⁹

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

We were unable to identify any current legislative proposals on access to information for persons with disabilities.

⁵⁶ Id. art. 11.

⁵⁷ Id. art. 12.

⁵⁸ Id. art. 13.

⁵⁹ Act on Welfare Support for Children with Disabilities art. 26.

Spain

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SUMMARY Spain has a highly developed constitutional, legislative, and regulatory framework for the promotion and protection of the rights of disabled persons. Spain's Constitution contains a specific provision on the constitutional rights of disabled persons. The country is a party to the UN Convention on the Rights of Persons with Disabilities of 2006 and its Optional Protocol of 2006. The Spanish Civil Code, in its original version of 1889, contained measures on the protection of disabled persons, which have been amended and updated over the years. Since 2013, at least 19 laws and royal decrees have addressed the situation of disabled persons. The legislation promotes and protects disabled persons' rights to equal treatment to work, nondiscrimination at the workplace, social protection, education, professional development, professional training, rehabilitation and requalification, accessibility, and participation in political and public life as well as to having their assets protected. The law also establishes several high-level governmental agencies with the mission of monitoring compliance with the legislative and regulatory regime protecting disabled persons in the country. In particular, the legislation establishes a robust right of disabled persons to receive information as well as to access culture in its broadest scope. Disabled persons' right to access justice includes the appointment of guardians, the intervention of the State Attorney's Office on their behalf, empowerment of courts to adopt measures in direct benefit of disabled persons, and assistance during notarial acts and in communications. A bill that would amend the law on employment termination due to permanent disability is pending. The Spanish government issued a policy document, *Spain's Strategy on Disabled Persons for the 2022-2030 Period*, in May of 2022.

I. Legal Framework

A. Constitutional Protections

The Spanish Constitution provides that

Persons with disabilities exercise the rights provided for in this Title in conditions of actual and effective freedom and equality. The law shall address the special protection necessary for the exercise of such rights.¹

Public authorities shall promote policies that guarantee the full personal autonomy and social inclusion of persons with disabilities, in universally accessible environments. They will also foster the participation of disabled persons' organizations, in the terms established by law. Particular attention shall be given to the specific needs of women and disabled minors.²

¹ La Constitución Española de 1978 art. 49, para. 1, <https://perma.cc/V6NG-X8NH>.

² Id.

B. International Obligations

Spain has authorized the ratification of the United Nations Convention on the Rights of Persons with Disabilities of December 12, 2006,³ and its Optional Protocol of December 13, 2006.⁴

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

Spain's legal system has long provided for the rights of disabled persons. Since its enactment in 1889, the Civil Code has contained measures on the protection of disabled persons, which have been amended and updated over the years. The following are the most important acts, decrees, and orders covering the rights and privileges of disabled persons in Spain:

- Law No. 4 of June 28, 2017, amending Law No. 15 of July 2, 2015, on Judicial Procedures Related to Persons with Disabilities,⁵
- Law No. 8 of June 2, 2021, Reform of Civil and Procedural Legislation to Support Persons with Disabilities in the Exercise of Their Legal Capacity,⁶
- Royal Decree No. 537 of September 20, 2019, modifying Royal Decree 1544/2007, of November 23, which regulates the Basic Conditions of Accessibility and Nondiscrimination,⁷
- Royal Decree No. 1112 of September 7, 2018, on Accessibility of Websites and Mobile Applications of the Public Sector,⁸
- Royal Legislative Decree No. 1 of November 29, 2013, Revised Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion,⁹
- Law No. 26 of August 1, 2011, on Regulatory Adaptation to the International Convention on the Rights of Persons with Disabilities,¹⁰

³ Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2515 U.N.T.S. 3, <https://perma.cc/8PZZ-CHHY>.

⁴ Optional Protocol to the Convention on the Rights of Persons with Disabilities, Mar. 30, 2007, 2518 U.N.T.S. 283, <https://perma.cc/H8V4-CJKY>.

⁵ Ley 4/2017, de 28 de junio, de Modificación de la Ley 15/2015, de 2 de julio, de la Jurisdicción Voluntaria, <https://perma.cc/X8UE-Z4DS>.

⁶ Ley 8/2021, de 2 de junio, Reforma a la Legislación Civil y Procesal para el Apoyo a las Personas con Discapacidad en el Ejercicio de su Capacidad Jurídica, <https://perma.cc/U7TU-8J6S>.

⁷ Real Decreto 537/2019, de 20 de Septiembre, por el que se Modifica el Real Decreto 1544/2007, de 23 de Noviembre, por el que se Regulan las Condiciones Básicas de Accesibilidad y No Discriminación, <https://perma.cc/U2ZN-JKV5>.

⁸ Real Decreto 1112/2018, de 7 de Septiembre, sobre Accesibilidad de los Sitios Web y Aplicaciones para Dispositivos Móviles del Sector Público, <https://perma.cc/5M6R-7PSM>.

⁹ Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de Derechos de las Personas con Discapacidad y de su Inclusión Social [R.D.L. No. 1], <https://perma.cc/3387-7PD5>.

¹⁰ Ley 26/2011 de Adaptación Normativa a la Convención Internacional Sobre los Derechos de las Personas con Discapacidad, <https://perma.cc/SJ7B-3CLA>.

- Royal Decree No. 174 of February 11, 2011, approving the Scale for the Assessment of the Situation of Dependency established by Law 39 No. of December 14, 2006, on the Promotion of Personal Autonomy and Care for People in Situations of Dependency,¹¹
- Royal Decree No. 173 of February 19, 2010, modifying the Technical Building Code, approved by Royal Decree No. 314 of March 17, 2006, on Accessibility and Nondiscrimination Against Disabled Persons,¹²
- Order No. VIV/561 of February 1, 2010, Developing the Technical Document on Basic Conditions of Accessibility and Nondiscrimination for Access and Use of Urbanized Public Spaces,¹³
- Royal Decree No. 1544 of November 23, 2007, on the Basic Conditions of Accessibility and Nondiscrimination for Access and Use of Modes of Transport for Disabled Persons,¹⁴
- Royal Decree No. 1494 of November 12, 2007, Regulation on the Basic Conditions for Access by Persons with Disabilities to Technologies, Products, and Services Related to the Information Society and Social Media,¹⁵
- Law No. 27 of October 23, 2007, recognizing Spanish Sign Languages and Regulating the Means of Support for Oral Communication for Persons with Hearing Disabilities and Deafblind Persons,¹⁶
- Royal Decree No. 505 of April 20, 2007, Basic Conditions of Accessibility and Nondiscrimination of Persons with Disabilities for Access and Use of Urbanized Public Spaces and Buildings,¹⁷

¹¹ Real Decreto 174/2011, de 11 de Febrero, por el que se Aprueba el Baremo de Valoración de la Situación de Dependencia Establecido por la Ley 39/2006, de 14 de Diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia, <https://perma.cc/KPA4-VH8E>.

¹² Real Decreto 173/2010, de 19 de Febrero, por el que se Modifica el Código Técnico de la Edificación, Aprobado por el Real Decreto 314/2006, de 17 de marzo, en materia de Accesibilidad y No Discriminación de las Personas con Discapacidad, <https://perma.cc/86HP-CGYR>.

¹³ Orden VIV/561/2010, de 1 de Febrero, por la que se Desarrolla el Documento Técnico de Condiciones Básicas de Accesibilidad y No Discriminación para el Acceso y Utilización de los Espacios Públicos Urbanizados, <https://perma.cc/GP2J-JVNQ>.

¹⁴ Real Decreto 1544/2007, de 23 de Noviembre, por el que se Regulan las Condiciones Básicas de Accesibilidad y No Discriminación para el Acceso y Utilización de los Modos de Transporte para Personas con Discapacidad, <https://perma.cc/X8Z7-EAV7>.

¹⁵ Real Decreto 1494/2007, de 12 de Noviembre, por el que se Aprueba el Reglamento sobre las Condiciones Básicas para el Acceso de las Personas con Discapacidad a las Tecnologías, Productos y Servicios Relacionados con la Sociedad de la Información y Medios de Comunicación Social, <https://perma.cc/7VFFV-M5TM>.

¹⁶ Ley 27/2007, de 23 de Octubre, por la que se Reconocen las Lenguas de Signos Españolas y se Regulan los Medios de Apoyo a la Comunicación Oral de las Personas con Discapacidad Auditiva y Sordociegas, <https://perma.cc/T6ZS-QLG6>.

¹⁷ Real Decreto 505/2007, de 20 de Abril, por el que se Aprueban las Condiciones Básicas de Accesibilidad y No Discriminación de las Personas con Discapacidad para el Acceso y Utilización de los Espacios Públicos Urbanizados y Edificaciones, <https://perma.cc/8YDV-566N>.

- Royal Decree No. 366 of March 16, 2007, Conditions of Accessibility and Nondiscrimination of Persons with Disabilities in Their Relations with the General Administration of the State,¹⁸
- Law No. 39 of December 14, 2006, on the Promotion of Personal Autonomy and Care for People in Situations of Dependency,¹⁹
- Royal Decree No. 314 of March 17, 2006, Technical Building Code,²⁰
- Law No. 41 of November 18, 2003, Protection of the Assets of Persons with Disabilities and the Modification of the Civil Code, the Civil Procedure Law, and the Tax Regulations for This Purpose,²¹
- Royal Decree No. 1971 of December 23, 1999, Procedure for the Recognition, Declaration, and Qualification of the Degree of Disability,²² and
- Royal Decree No. 1051 of December 27, 2013, Benefits of the System for Autonomy and Care for Dependency, Established in Law No. 39 of December 14, 2006, on the Promotion of Personal Autonomy and Care for Persons in Situations of Dependency.²³

II. General Protection Framework

Spanish legislation covers the protection of disabled persons, including the following principles and rights:

A. Equal Treatment

Royal Legislative Decree No. 1 of 2013 defines equal treatment as the absence of any direct or indirect discrimination on the grounds of or by reason of disability, in employment, vocational training and promotion, and working conditions.²⁴

¹⁸ Real Decreto 366/2007, de 16 de Marzo, por el que se Establecen las Condiciones de Accesibilidad y No Discriminación de las Personas con Discapacidad en sus Relaciones con la Administración General del Estado, <https://perma.cc/5A3T-64PM>.

¹⁹ Ley 39/2006 de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia, <https://perma.cc/QXV3-BEXK>.

²⁰ Real Decreto 314/2006, de 17 de Marzo, por el que se Aprueba el Código Técnico de la Edificación, <https://perma.cc/96DZ-LUAW>.

²¹ Ley 41/2003, de 18 de noviembre, de Protección Patrimonial de las Personas con Discapacidad y de Modificación del Código Civil, de la Ley de Enjuiciamiento Civil y de la Normativa Tributaria con esta Finalidad, <https://perma.cc/P53U-NRF7>.

²² Real Decreto 1971/1999, de 23 de Diciembre, de Procedimiento para el Reconocimiento, Declaración y Calificación del Grado de Minusvalía, <https://perma.cc/2JG7-DCCF>.

²³ Real Decreto 1051/2013, de 27 de Diciembre, por el que se Regulan las Prestaciones del Sistema para la Autonomía y Atención a la Dependencia, Establecidas en la Ley 39/2006, de 14 de Diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia (Modificado por Real Decreto 291/2015, de 17 de abril), <https://perma.cc/SNF4-63J3>.

²⁴ R.D.L. No. 1 art. 36, <https://perma.cc/3387-7PD5>.

B. Violation of the Right to Equal Opportunity

The law considers that the right to equal opportunities for disabled persons is violated when, on the basis of disability, there is direct or indirect discrimination, or discrimination by association, harassment, or failure to comply with accessibility requirements and reasonable adjustments as well as when there is a failure to comply with legally established positive action measures.²⁵

C. Right to Work

Disabled persons have the right to work under conditions that guarantee the effective implementation of the principles of equal treatment and nondiscrimination.²⁶

D. Discrimination in the Workplace

Direct discrimination in the workplace exists when, due to his or her disability, a disabled person is treated less favorably than another person in a similar situation in terms of remuneration, working hours, and other working conditions.²⁷ Indirect discrimination occurs when a legal or regulatory provision, a conventional or contractual clause, an individual agreement or a unilateral decision of the employer, apparently neutral, may cause a particular disadvantage to disabled persons compared to other persons, provided that they do not objectively respond to a legitimate purpose and that the means to achieve this purpose are not adequate and necessary.²⁸

Discriminatory acts or omissions are deemed null and void.²⁹

The law creates special employment centers to promote the labor inclusion of disabled persons.³⁰

E. Right to Social Protection

Disabled persons and their families have the right to receive social services for family support, the prevention of impairments and intensification of disabilities, the promotion of personal autonomy, information and guidance, home care, obtainment of residence, support in their environment, residential services, cultural and sports activities, and leisure and free time.³¹

For social security purposes, persons who have been granted a permanent disability pension due to total, absolute or severe disability, and those who have been granted a retirement pension due to permanent incapacity for service or uselessness are considered disabled persons for social security purposes.³²

²⁵ Id. art. 55, para. 2.

²⁶ Id. art. 35.1, para. 1.

²⁷ Id. art. 35.3.

²⁸ Id. art. 35.4.

²⁹ Id. art. 35.5.

³⁰ Id. art. 43.2, para. 2.

³¹ Id. art. 50.1.

³² Id. art. 35.1, para. 2.

F. Right to Education

Under Spanish law, inclusive education is part of the comprehensive care process for disabled persons,³³ who enjoy a right to an inclusive, quality, and free education, on equal terms with others.³⁴

Educational authorities must ensure an inclusive education at all levels, guaranteeing an academic place for disabled students throughout the educational cycle, based on their educational needs.³⁵

Only when the educational needs of disabled students may not be met in regular educational institutions through special measures, and considering the opinion of their parents or legal guardians, may disabled students be enrolled in special education centers.³⁶ The law includes additional guarantees to ensure the right to inclusive education for disabled persons, such as

- the creation of special education centers to facilitate the connection with ordinary education centers for the inclusion of students in the ordinary educational system,³⁷
- children's hospitals, rehabilitation hospitals, and those with permanent pediatric services that must have a pedagogical section to prevent and avoid the marginalization of the educational process of school-age disabled patients,³⁸
- students at university centers with serious disabilities to adapt may request special accommodations to the extent necessary to offset their difficulties,³⁹ and
- awareness, information, and ongoing training programs carried out for management teams, teachers, and education professionals, aimed at their specialization in addressing the special educational needs of disabled students.⁴⁰

G. Right to Professional Development

Disabled persons of working age have the right to benefit from vocational and professional rehabilitation, job maintenance, and return to work programs.⁴¹ Such programs must include medical-functional habilitation or rehabilitation to foster the development of capabilities and the use of support products and technologies and devices necessary for the best performance of a job on equal terms with others.⁴²

³³ Id. art. 16.

³⁴ Id. art. 18.1.

³⁵ Id. art. 18.2.

³⁶ Id. art. 18.3.

³⁷ Id. art. 20, para. 1(a).

³⁸ Id. art. 20, para. 1(b).

³⁹ Id. art. 20, para. 1(c).

⁴⁰ Id. art. 20, para. 1(d).

⁴¹ Id. art. 17.1.

⁴² Id. art. 17.3.

Vocational guidance must be provided based on the actual capabilities of the disabled person and prior reports of multi-professional teams establishing the disability level.⁴³

The law also guarantees access to self-employment and professional practice regarding working conditions, pay and dismissal, professional promotion, occupational and continuing professional training, employment training, and membership and participation in trade union and business organizations or incorporation in any professional organization.⁴⁴

H. Professional Training, Rehabilitation or Requalification

On-the-job training programs must include basic, general pretraining and must also promote the acquisition of work experience in the labor market, in accordance with the personal preferences of the disabled person and the professional guidance received.⁴⁵

I. Accessibility

The law directs the government to set forth the basic conditions of accessibility and nondiscrimination that guarantee the same levels of equal opportunities for all disabled persons.⁴⁶

Basic conditions of accessibility and nondiscrimination must establish specific measures to prevent or eliminate discrimination, and to compensate for disadvantages including, at a minimum,⁴⁷

- accessibility requirements for buildings, facilities, instruments, equipment and technologies, and goods and services used by disabled persons,⁴⁸
- more favorable conditions for access, participation, and use of resources in each area under nondiscriminatory conditions,⁴⁹
- financial assistance, assistive technologies, specialized personal services, and other forms of personal or animal support,⁵⁰ and
- the adoption of internal regulations in companies or institutions that promote the elimination of disadvantages or discrimination against disabled persons.⁵¹

⁴³ Id. art. 17.4.

⁴⁴ Id. art. 35.2.

⁴⁵ Id. art. 17.5.

⁴⁶ Id. art. 23.1, para. 1.

⁴⁷ Id. art. 23.2.

⁴⁸ Id. art. 23.2(a).

⁴⁹ Id. art. 23.2(b).

⁵⁰ Id. art. 23.2(c).

⁵¹ Id. art. 23.2(d).

Technical building regulations must include provisions on the minimum conditions of buildings to allow basic accessibility for disabled persons,⁵² and also provide nondiscriminatory measures for transportation means.⁵³

J. Right to Participate in Political and Public Life

Under Spanish law, disabled persons must be able to exercise their right to participate in political life and in electoral processes and in public decision-making affecting them on equal terms with other citizens.⁵⁴

The permanent participation of disabled persons must be promoted at public bodies whose functions are directly related to matters that have an impact on areas of preferential interest for disabled persons and their families.⁵⁵

K. Asset Protection of Disabled Persons

Law No. 41 of 2003 creates the instrument of “Specially Protected Estate of Disabled Persons” (estate) with the purpose of organizing disabled persons’ assets and guaranteeing their access to them as well as the fruits of such assets, without charge.⁵⁶

1. Beneficiaries

An estate’s beneficiary is exclusively the person in whose interest it is established.⁵⁷

For the purposes of Law No. 41 of 2003, only the following are considered disabled persons:

- those with a mental disability equal to or greater than 33%, and
- persons with a physical or sensory disability equal to or greater than 65%.⁵⁸

2. Appointment of Guardians for Disabled Children

Parents may appoint a guardian in a will or in a public notarial deed, establish guardianship oversight entities, or direct any other disposition regarding the person or property of their disabled children.⁵⁹

⁵² Id. art. 26.1.

⁵³ Id. art. 27.1, para. 1.

⁵⁴ Id. arts. 53, 54.1, para. 1.

⁵⁵ Id. art. 54.2.

⁵⁶ Ley 41/2003, de 18 de noviembre, de Protección Patrimonial de las Personas con Discapacidad y de Modificación del Código Civil, de la Ley de Enjuiciamiento Civil y de la Normativa Tributaria con esta Finalidad [Law No. 41] art. 1.1, <https://perma.cc/P53U-NRF7>.

⁵⁷ Id. art. 2.1.

⁵⁸ Id. art. 2.2.

⁵⁹ Id. art. 9.1, replacing art. 223, para. 1 of the Civil Code [C.C.].

Likewise, any person with presently sufficient capacity to act but who anticipates being declared legally disabled in the future may make similar determinations regarding his or her own person or property, including the appointment of a guardian.⁶⁰

L. Governmental Supervisory Entities

1. National Council for the Disabled

The National Council for the Disabled (NCD) is an interministerial agency of an advisory nature, that serves as a forum between organizations of disabled persons and their families and the government, in order to define and coordinate public policies to guarantee their rights.⁶¹ The NCD promotes the principles of equal opportunities and nondiscrimination of disabled persons.⁶² The Office for Disability Care is the specialized body of the NCD responsible for implementing such principles.⁶³

2. State Observatory on Disability

The State Observatory on Disability (SOD) is a governmental agency that, through the Ministry of Social Rights and Agenda 2030's General Directorate of Rights of Disabled Persons, is responsible for the collection, systematization, updating, generation of information and dissemination related to the field of disability.⁶⁴ SOD's mission includes the preparation of a comprehensive report on the situation and evolution of disability in Spain,⁶⁵ and the promotion of public policies in accordance with the International Convention on the Rights of Persons with Disabilities.⁶⁶

3. Judicial Defender of Disabled Persons

The Judicial Defender of Disabled Persons is a legal advocate for disabled persons who is appointed in the following cases, among others:

- when, for any reason, a person who must provide support to a disabled person is unable to do so,
- when there is a conflict of interest between the disabled person and the person who is to provide support, and
- when the disabled person requires occasional support measures.⁶⁷

⁶⁰ Id. art. 9.1, replacing art. 223, para. 2 of the C.C.

⁶¹ R.D.L. No. 1, art. 55, para. 1.

⁶² Id. art. 55, para. 2.

⁶³ Id. art. 56, para. 1.

⁶⁴ Id. art. 73.1.

⁶⁵ Id. art. 73.2.

⁶⁶ Id. art. 73.3.

⁶⁷ Law No. 8 art. 2.18, amending art. 295 of the C.C.

III. Rights of Persons with Disabilities

A. Right to Information

Disabled persons have the right to live independently and to participate fully in all aspects of life.⁶⁸ To this end, public authorities must take appropriate measures to ensure universal accessibility, on an equal basis with other persons, concerning processes, goods, products and services, transportation, information and communications, including information and communications systems and technologies as well as the media and in other services and facilities open to the public or for public use, both in urban and rural areas.⁶⁹

B. Right to Access to Justice

1. *General Considerations*

Spanish law provides specific measures to ensure the application of the principles of equal opportunity, nondiscrimination, and universal accessibility regarding the administration of justice regarding the rights of disabled persons.⁷⁰

The judicial protection of the right to equal opportunity for disabled persons must include the adoption of measures necessary to discontinue violations of their right of access to justice as well as to prevent further violations, restoring the aggrieved party to the full exercise of his or her right.⁷¹

No cap exists in the amount of the compensation or reparation that may arise from a judicial claim filed by a disabled person in actions stemming from violations of their rights of equal opportunity, nondiscrimination, and universal accessibility.⁷² Compensation for moral damage applies even when no economic losses exist, and they are assessed according to the circumstances of the violation and the seriousness of the injury.⁷³

In judicial procedures dealing with these causes of actions, the burden of proof falls on the defendant to refute any well-founded indications of disability discrimination by providing an objective and reasonable justification of the conduct and the measures adopted and to show the latter's proportionality.⁷⁴

⁶⁸ R.D.L. No. 1 art. 22.1.

⁶⁹ Id.

⁷⁰ Id. art. 5, para. 2(f).

⁷¹ Id. art. 75.1.

⁷² Id. art. 75.2.

⁷³ Id.

⁷⁴ Id. art. 77.1, para. 1.

2. *Notarial Acts*

Law No. 8 of 2021 addresses measures to ensure accessibility for disabled persons who appear before a notary public,⁷⁵ through reasonable assistance and mechanisms, “including augmentative and alternative systems, Braille, easy reading, pictograms, easily accessible multimedia devices, interpreters, oral communication support systems, sign language, finger language, tactile communication systems and other devices allowing proper communication.”⁷⁶

When any of the interested parties who appear before a notary public is a disabled person without sufficient assistance, the notary must communicate this circumstance to the Public Prosecutor’s Office to request the appointment of legal counsel.⁷⁷

In contracts concluded between persons located in Spain, natural persons who have capacity under Spanish law may only invoke their disability resulting from the law of another country if, at the time of the conclusion of the contract, the other party was aware of such disability or was unaware of it due to his negligence.⁷⁸

Court decisions and notarized deeds on guardianship positions and assistance measures for disabled persons must be registered in the Civil Registry.⁷⁹

A disabled person may make a will when, in the opinion of the notary, he or she can understand and express the scope of the will’s provisions.⁸⁰

Visually impaired people may make a will by using mechanical or technological means that allow them to write and read it.⁸¹

Persons unable to express themselves verbally, but who can write, may make a closed will.⁸²

3. *Juridical Acts Regarding Disabled Minor Children*

When at the time of the annulment, separation or divorce there are common children over 16 years of age who need support measures due to their disability, the corresponding judicial

⁷⁵ Ley 8/2021, de 2 de junio, Reforma a la Legislación Civil y Procesal para el Apoyo a las Personas con Discapacidad en el Ejercicio de su Capacidad Jurídica [Law No. 8], <https://perma.cc/U7TU-8J6S>.

⁷⁶ Id. art. 1(2), adding a new final paragraph to art. 25 of Ley del Notariado, de 28 de mayo de 1862.

⁷⁷ Id. art. 1(4), amending art. 56, para. 3, of Ley del Notariado, de 28 de mayo de 1862.

⁷⁸ Id. art. 2.2, amending paragraph 8 of art. 10 of the C.C.

⁷⁹ Id. art. 2.18, amending art. 300 of the C.C.

⁸⁰ Id. art. 2.28, amending art. 665 of the C.C.

⁸¹ Id. art. 2.32, replacing art. 708 of the C.C.

⁸² Id. art. 2.33, amending art. 709 of the C.C. A closed will prevents anyone from knowing its contents until the testator’s death. It is “delivered to the notary in a closed or sealed cover, or is closed and sealed before the notary, who must authorize it.” *Testamento Cerrado*, ConceptosJuridicos.com, <https://perma.cc/2HRK-QPAF>.

decision, after hearing the minors, must establish such measures, which, if applicable, will enter into force upon the minors reaching the age of majority.⁸³

Noncustodial parents may petition the court to authorize support measures for their disabled children who reach the age of majority or who become emancipated.⁸⁴

When there is a disabled child among the minor children of parents who are going through an annulment, separation, or divorce, and it is convenient for the disabled child to continue using the family home after reaching the age of majority, the judge must establish the duration of that right.⁸⁵

Common adult children who are disabled at the time of the annulment, separation, or divorce who are granted the right to continue using the family home are treated on an equal footing with minor children who are in a similar situation.⁸⁶

In the case of disabled children under support measures who wish to challenge paternity, the one-year statute of limitation starts when the child reaches the age of majority or when support measures end.⁸⁷

The recognition of a disabled adult requires his or her express or tacit consent.⁸⁸

4. *Support Measures for Disabled Persons for the Exercise of Their Legal Capacity*

Disabled persons have a right to exercise their own decision-making and to receive the information necessary to facilitate their understanding and ability to express their preferences.⁸⁹

In exceptional cases when it is not possible to determine the wishes of the disabled person, support measures may include representation, based on the person's life history, beliefs and values, and the factors that he would have considered in the absence of representation.⁹⁰

5. *De Facto Guardianship of Disabled Persons*

The appointment of a de facto guardian for the disabled person is made in a judicial procedure in which the disabled person must be heard.⁹¹ The judicial order establishing the guardianship must spell out the acts for which the disabled person requires the assistance of the guardian.⁹²

⁸³ Law No. 8 art. 2.2, amending art. 10, para. 8 of the C.C.

⁸⁴ Id. art. 2.10, amending art. 94, para. 2 of the C.C.

⁸⁵ Id. art. 2.11.1, amending art. 96, para. 1 of the C.C.

⁸⁶ Id. art. 2.11.1, amending art. 96, para. 2 of the C.C.

⁸⁷ Id. art. 2.18, amending art. 137 of the C.C.

⁸⁸ Id. art. 2.13, amending art. 123, para. 2 of the C.C.

⁸⁹ Id. art. 2.18, amending art. 249, para. 2 of the C.C.

⁹⁰ Id. art. 2.18, amending art. 249, para. 3 of the C.C.

⁹¹ Id. art. 2.18, amending art. 264, para. 1 of the C.C.

⁹² Id. art. 2.18, amending art. 269, para. 2 of the C.C.

6. *Special Support Measures for Disabled Persons*

Disabled persons who are under support measures may cancel contracts entered into by them when those have been executed disregarding such measures.⁹³

Judicial procedures in which disabled persons are involved must be adjusted to their needs in order to guarantee their participation on equal terms.⁹⁴ Such adjustments may be requested by any of the parties, or the Public Prosecutor's Office, or decided by the court *ex officio*.⁹⁵

7. *Legal Communications with Disabled Persons*

Disabled persons have the right to understand and be understood in any legal action involving them.⁹⁶ In particular,

- all communications with disabled persons, whether oral or written, must be made in clear, simple and accessible language, considering their personal characteristics and needs,⁹⁷
- the disabled person must receive the necessary assistance to make themselves understood, including interpretation in legally recognized sign languages and other means of supporting oral communication for deaf, hearing impaired, and deaf-blind people,⁹⁸
- expert professionals must be allowed to facilitate communications with the disabled person,⁹⁹
- the disabled person may opt to be accompanied in legal proceedings by a person of their choice,¹⁰⁰ and
- the court of the place where the disabled person resides is competent to preside over hearings for actions related to support measures for such persons.¹⁰¹

8. *Intervention of the Public Prosecutor's Office*

The Public Prosecutor's Office must always be a party in judicial procedures regarding support measures for disabled persons,¹⁰² to guarantee that their will, desires, preferences, and rights are safeguarded.¹⁰³

⁹³ Id. art. 2.52, amending art. 1302 of the Civil Code.

⁹⁴ Id. art. 4(2), adding art. 7-bis (1), para. 1(1) to Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil [Law No. 1 of 2000].

⁹⁵ Id. art. 4(2), adding art. 7-bis(1), para. 1(2) to Law No. 1 of 2000.

⁹⁶ Id. art. 4(2), adding art. 7-bis(2) to Law No. 1 of 2000.

⁹⁷ Id. art. 4(2), adding art. 7-bis(2)(a) to Law No. 1 of 2000.

⁹⁸ Id. art. 4(2), adding art. 7-bis(2)(b) to Law No. 1 of 2000.

⁹⁹ Id. art. 4(2), adding art. 7-bis(2)(c) to Law No. 1 of 2000.

¹⁰⁰ Id. art. 4(2), adding art. 7-bis(2)(d) to Law No. 1 of 2000.

¹⁰¹ Id. art. 4(3), amending art. 52.1(5) of Law No. 1 of 2000.

¹⁰² Id. art. 4(3), amending art. 749(1) of Law No. 1 of 2000.

¹⁰³ Id. art. 4(3), amending art. 749(2) of Law No. 1 of 2000.

9. *Production of Evidence in Procedures Involving Disabled Persons*

Disabled persons as well as their closest relatives must be heard in judicial processes regarding support measures.¹⁰⁴ When the disabled person has filed the claim by herself, the court may, exceptionally, waive the required hearings when this is more convenient for privacy purposes.¹⁰⁵

10. *Precautionary Measures*

When a court with jurisdiction becomes aware of the existence of a person in a situation of disability who requires support measures, it must adopt ex officio the measures necessary for the adequate protection of that person and their assets, bringing the fact to the attention of the Public Prosecutor's Office for its intervention.¹⁰⁶

11. *Exercise of the Filiation Actions Corresponding to a Child with a Disability Who Requires Support*

Actions to determine or challenge the filiation of a disabled person with support measures may be exercised by the disabled person, or those providing support to the person, or by the Public Prosecutor's Office.¹⁰⁷

In hearings with older disabled children who require support measures, the court must ensure that their interests are safeguarded, without undue interference from others, seeking the assistance of specialists when necessary.¹⁰⁸

All the above-mentioned legal safeguards also apply to matrimonial proceedings where there are common children over 16 years of age who need support measures due to their disability.¹⁰⁹

In cases when support measures benefiting adult disabled children have been assigned to their parents, the court must request a report from the Public Prosecutor's Office.¹¹⁰

C. Right to Culture

Spanish law defines "equality of opportunity" as

the absence of all discrimination, direct or indirect, by reason of or on account of disability, including any distinction, exclusion or restriction that has the purpose or effect of impeding or nullifying the recognition, enjoyment or exercise on an equal basis by persons with disabilities of all human rights and fundamental freedoms in the political, economic, social, labor, *cultural*, civil or other areas. [Emphasis added.]¹¹¹

¹⁰⁴ Id. art. 4(16), replacing art. 759(1) of Law No. 1 of 2000.

¹⁰⁵ Id. art. 4(16), replacing art. 759(2) of Law No. 1 of 2000.

¹⁰⁶ Id. art. 4(19), replacing art. 762(1) of Law No. 1 of 2000.

¹⁰⁷ Id. art. 4(20), replacing art. 765(1), para. 2 of Law No. 1 of 2000.

¹⁰⁸ Id. art. 4(21), amending art. 770, para. 2 of Law No. 1 of 2000.

¹⁰⁹ Id. art. 4(21), amending art. 770(8) of Law No. 1 of 2000.

¹¹⁰ Id. art. 4(24), replacing art. 777, para. 5 of Law No. 1 of 2000.

¹¹¹ R.D.L. No. 1 art. 2(b).

The right to equality includes the obligation of public authorities to protect the rights of disabled persons regarding access to culture, among other areas, including employment, social protection, education, effective judicial protection, mobility, communication, information, and sport and leisure as well as participation in public affairs.¹¹²

The principle of social inclusion contemplated in Spanish law seeks to allow disabled persons to have the opportunities and resources necessary to participate fully in political, economic, social, educational, labor, and cultural life, and to enjoy living conditions on an equal basis with others.¹¹³

Affirmative action measures consist in avoiding or compensating for disadvantages arising from disability and are aimed at achieving de facto equality for disabled persons and their full participation in the areas of political, economic, social, educational, labor, and cultural life.¹¹⁴

The principles of equality of opportunity, nondiscrimination, and universal access for disabled persons, in turn, enshrine specific measures in, among other areas, cultural heritage, in accordance with the provisions of historical heritage legislation.¹¹⁵

The principle of universal accessibility to facilities seeks to guarantee disabled persons access to sports, cultural, leisure, and free time activities.¹¹⁶

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

A. Legislative Bills on Disabled Persons

Legislative Bill No. 121/000033 seeks to amend current legislation on the termination of employment contracts due to permanent disability of workers and other legislation regarding permanent disability.¹¹⁷

The bill is currently pending before the Spanish Chamber of Deputies.¹¹⁸

¹¹² Id. art. 7(3).

¹¹³ Id. art. 2(j).

¹¹⁴ Id. art. 2(g).

¹¹⁵ Id. art. 5(h).

¹¹⁶ Id. art. 51.8.

¹¹⁷ Proyecto de Ley por la que se Modifican el Texto Refundido de la Ley del Estatuto de los Trabajadores, Aprobado por el Real Decreto Legislativo 2/2015, de 23 de octubre, en materia de Extinción del Contrato de Trabajo por Incapacidad Permanente de las Personas Trabajadoras, y el Texto Refundido de la Ley General de la Seguridad Social, aprobado por el Real Decreto Legislativo 8/2015, de 30 de octubre, en materia de Incapacidad Permanente, <https://perma.cc/5UB8-LDU3>.

¹¹⁸ CERMI *Pide al Congreso que Respalde el Proyecto de Ley que Elimina el Despido Automático por Incapacidad Sobrevenida*, *El Derecho* (Aug. 26, 2024), <https://perma.cc/28W9-8NCZ>.

B. Spain's Strategy on Disabled Persons 2022-2030

In May of 2022, the Spanish government approved *Spain's Strategy on Disabled Persons for the 2022-2030 Period*.¹¹⁹ Some of the highlights of the strategy are detailed below.

1. Strategic Objectives

The most relevant objectives included in the strategy regarding disabled persons are the following:

- the search for active citizenship and full exercise of human rights by disabled persons,
- a real and effective inclusion of disabled persons in the community, promoting measures in the areas of personal and social development, such as education, culture, employment, health and housing, and their full social, political, institutional, and community participation,
- the personal autonomy and independent living of disabled persons,
- a special design of constructions and universal accessibility to buildings, and
- a wider availability of data and statistics regarding disability to motivate further planning and action.¹²⁰

2. Proposed Actions

The following are some of the most relevant proposed actions with an impact on the legislative and regulatory framework regarding disabled persons in Spain:

- reform of article 49 of the Constitution in accordance with the international human rights commitments assumed by Spain, enshrining the expression "disabled persons," prohibiting any type of discrimination, establishing the obligation of public authorities to carry out the necessary policies to guarantee their personal autonomy and social inclusion, and the participation of representative organizations of disabled persons,¹²¹
- reform of Law No. 26 of 2011 to align pending regulations with the provisions of the International Convention on the Rights of Persons with Disabilities,¹²²
- develop regulations for Law No. 27 of 2007, instituting efficacious mechanisms for the effectiveness of the rights of persons with hearing disabilities and deaf-blind people,¹²³
- establish the procedure for the recognition, declaration, and qualification of the disability degree, in accordance with a rights-based approach,¹²⁴

¹¹⁹ *Estrategia Española Sobre Discapacidad 2022-2030*, Ministerio de Derechos Sociales, Consumo y Agenda 2030 (2022) [*Strategy*], <https://perma.cc/XWG3-XCPB>.

¹²⁰ *Id.*

¹²¹ *Id.* at 63.

¹²² *Id.* at 63.

¹²³ *Id.*

¹²⁴ *Id.* at 64.

- direct public agencies to implement appropriate measures to promote the right of disabled persons to form a family by providing them with support, means, and public services,¹²⁵
- develop and implement the Action Plan of the National Strategy on Autism Spectrum Disorders,¹²⁶
- develop effective antidiscrimination legislation through the application of sanctions in matters of equal opportunity, nondiscrimination, and universal accessibility for disabled persons,¹²⁷
- promote campaigns and actions to raise awareness against hate crimes based on disability, with special attention to disabled minors,¹²⁸
- promote the design and broad use of protocols and tools allowing for the detection of violence or abuse toward disabled persons in any of its forms, in any environment, and in any area of care, and for providing support to the abused,¹²⁹
- develop legal training courses on the adoption of support measures for disabled persons through judicial procedures,¹³⁰
- prepare a White Paper on Employment and Disability as a lever for a new legislative and public policy framework for the employment and the right to work of disabled persons in Spain,¹³¹
- modify existing legislation to equate permanently disabled pensioners with disabled persons,¹³²
- amend existing legislation to reinforce the deterrent nature of penalties for noncompliance with the legal obligation to reserve jobs for disabled persons,¹³³
- amend Royal Decree No. 2271 of 2004 to eliminate the requirement that the application for assignment of a position must be accompanied by a report proving the suitability of the adaptation and its compatibility with the performance of the functions assigned to the requested position, as the “requirement is clearly incompatible with the right to equal access to public employment,”¹³⁴
- review the regulatory framework to update the formulas for access to employment for disabled persons through the social economy by promoting investment, ongoing training, incentives for hiring, and the support, renewal and sustainability of special employment centers,¹³⁵

¹²⁵ Id.

¹²⁶ Id.

¹²⁷ Id. at 65.

¹²⁸ Id.

¹²⁹ Id. at 66.

¹³⁰ Id.

¹³¹ Id. at 71.

¹³² Id.

¹³³ Id.

¹³⁴ Id.

¹³⁵ Id.

- approve the new law on audiovisual communication that increases obligations regarding accessibility,¹³⁶
- approve the new telecommunications law with accessibility measures,¹³⁷
- transpose into Spain Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services,¹³⁸
- create a Spanish Center for Cognitive Accessibility to ensure the understanding of all laws, policies, and actions of interest at the state level benefiting disabled persons,¹³⁹ and
- allocate funds derived from violations and sanctions to the principle of equality regarding disabled persons to finance strategies and projects promoting processes, goods, services, and instruments that are universally accessible and guarantee disabled persons the full exercise of their political, social, educational, cultural, and economic rights.¹⁴⁰

¹³⁶ Id. at 89.

¹³⁷ Id.

¹³⁸ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the Accessibility Requirements for Products and Services, 2019 O.J. (L 151), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882>.

¹³⁹ *Strategy*, supra note 119, at 89.

¹⁴⁰ Id. at 90.

Switzerland

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SUMMARY The rights of people with disabilities in Switzerland are explicitly protected in the Swiss Constitution. The constitutional requirements are implemented in the Disability Discrimination Act, which is further specified by three ordinances. On an international level, Switzerland has ratified the UN Convention on the Rights of Persons with Disabilities and the Marrakesh Treaty.

The Swiss Library for the Blind, Visual Impaired and Print Disabled was founded in 1903 and offers more than 100,000 accessible books, sheet music, teaching aids, movies, and games to blind, visually impaired, and print-disabled people.

Public authorities must take account of the special concerns of persons with speech, hearing, or visual disabilities when they deal with the public and must make their online services, including information, accessible to persons with visual disabilities.

Court buildings must be accessible and persons with disabilities are awarded certain procedural accommodations, such as a questioning in writing.

The Swiss Federal Office of Culture has partnered with a non-profit that supports rights of people with disabilities to make museums more inclusive. Among other measures, federal museums offer special tours for people with visual or hearing impairments.

The Swiss government has proposed to partially revise the Disability Discrimination Act to prevent discrimination in the areas of employment and access to services. Furthermore, on October 22, 2024, the Swiss government announced that a proposed popular initiative called “For Equality of People with Disabilities (Inclusion Initiative)” had achieved the required 100,000 number of signatures to be put to a vote. The Inclusion Initiative would add a more detailed article on equality of people with and without disabilities in all areas of life to the Swiss Constitution.

I. Introduction

In Switzerland, the rights of people with disabilities are protected on several levels. The Swiss Constitution includes a general prohibition to discriminate against persons with disabilities and a duty to enact legislation to equalize the rights of people with and without disabilities. It also contains specific obligations with regard to certain groups of people with disabilities, such as children. Switzerland’s international obligations have been implemented into domestic legislation.

II. Legal Framework

A. Constitutional Protections

The Swiss Constitution (Bundesverfassung, BV) explicitly protects people with disabilities and provides that “[n]o person may be discriminated against, in particular . . . because of a physical, mental or psychological disability. . . . The law shall provide for the elimination of inequalities that affect persons with disabilities.”¹

In addition to the general prohibition to discriminate and the duty to enact legislation to equalize rights, the Constitution obligates the Swiss cantons (states) to promote the rights of specific groups of people with disabilities. They must “ensure that adequate special needs education is provided to all children and young people with disabilities up to the age of 20.”² Furthermore, they must “provide for assistance and care in the home for . . . people with disabilities.”³ The federal government must support national efforts for the benefit of people with disabilities.⁴ The Constitution also obligates the federal government to “take particular account of the interests of . . . persons with disabilities” when legislating on the development of land for housing construction.⁵

B. International Obligations

Switzerland acceded to the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) on April 15, 2014, and it entered into force on May 15, 2014.⁶ Switzerland has not yet ratified the Optional Protocol to the CRPD.

Switzerland signed the Marrakesh Treaty on June 28, 2013, and ratified it on February 11, 2020.⁷ It entered into force for Switzerland on May 11, 2020.⁸ It is implemented in section 24c of the Swiss Copyright Act (Urheberrechtsgesetz, URG).⁹ The provision was originally inserted in 2007 before

¹ Bundesverfassung [BV], Apr. 18, 1999, Systematische Rechtssammlung [SR] 101, art. 8, paras. 2, 4, <https://perma.cc/W38Q-M248> (original), <https://perma.cc/P7YW-MW4D> (English translation).

² Id. art. 62, para. 3.

³ Id. art. 112c, para. 1.

⁴ Id. art. 112c, para. 2.

⁵ Id. art. 108, paras. 3, 4.

⁶ *Convention on the Rights of Persons with Disabilities*, UNTC (last updated Nov. 5, 2024), <https://perma.cc/LQC9-J8B7>.

⁷ *WIPO-Administered Treaties: Marrakesh VIP Treaty*, WIPO, <https://perma.cc/46J4-7KDB>.

⁸ Id.

⁹ Urheberrechtsgesetz [URG], Oct. 9, 1992, SR 231.1, as amended, <https://perma.cc/4386-WJNJ> (original), <https://perma.cc/2TCA-NHHW> (English translation).

the ratification of the Marrakesh Treaty.¹⁰ In June 2019, it was amended to fully align it with the treaty.¹¹

C. Domestic Legislation that Governs the Protection of Persons with Disabilities

1. Disability Discrimination Act

On a domestic level, the main piece of legislation that governs the protection of the rights of persons with disabilities is the Disability Discrimination Act (DDA) (*Behindertengleichstellungsgesetz, BehiG*).¹² It implements the constitutional requirement of article 8, paragraph 4 to enact legislation to eliminate inequalities that affect people with disabilities. Three different ordinances specify the DDA.¹³ The DDA requires the federal and cantonal governments to take measures to “prevent, reduce, or eliminate discrimination” of people with disabilities. The special needs of women with disabilities must be taken into account.¹⁴ The discrimination prohibition also applies to private entities that offer public services.¹⁵

The DDA defines several key terms. In particular, a “person with disabilities” is defined as a “person who, due to a physical, mental or psychological impairment which is likely to be permanent, finds it difficult or is unable to carry out everyday tasks, cultivate social contacts, move around, obtain an education or training, or work.”¹⁶ According to the Swiss Federal Supreme Court (*Bundesgericht, BG*), this definition mirrors the one in the Swiss Constitution.¹⁷

“Discrimination” is defined as follows:

[d]iscrimination occurs when persons with disabilities are treated in legal or practical terms differently from persons without disabilities and thus without material justification are disadvantaged when compared to persons without disabilities, or when they are not

¹⁰ Bundesgesetz über das Urheberrecht und verwandte Schutzrechte (*Urheberrechtsgesetz, URG*). Änderung vom 5. Oktober 2007, Amtliche Sammlung [AS] 2008, 2421 (2424), <https://perma.cc/JJ5N-HR4C>.

¹¹ Bundesbeschluss über die Genehmigung des Vertrags von Marrakesch über die Erleichterung des Zugangs zu veröffentlichten Werken für blinde, sehbehinderte oder sonst lesebehinderte Menschen und über seine Umsetzung (Änderung des Urheberrechtsgesetzes), June 21, 2019, AS 2020, 1013, <https://perma.cc/WN6Q-9XUP>.

¹² *Behindertengleichstellungsgesetz [BehiG]*, Dec. 13, 2002, SR 151.3, as amended, <https://perma.cc/UU7V-KMCU> (original), <https://perma.cc/D827-EZ5Q> (English translation).

¹³ *Behindertengleichstellungsverordnung [BehiV]*, Nov. 19, 2003, SR 151.31, as amended, <https://perma.cc/S87E-EW8V>; *Verordnung über die behindertengerechte Gestaltung des öffentlichen Verkehrs [VböV]*, Nov. 12, 2003, SR 151.34, as amended, <https://perma.cc/8CAU-Y52M>; *Verordnung des UVEK über die technischen Anforderungen an die behindertengerechte Gestaltung des öffentlichen Verkehrs [VaböV]*, Mar. 23, 2016, SR 151.342, as amended, <https://perma.cc/ASV7-V42K>.

¹⁴ *BehiG*, art. 5.

¹⁵ *Id.* art. 6.

¹⁶ *Id.* art. 2, para. 2.

¹⁷ *BG*, May 3, 2019, docket no. 1D_6/2018, 3.5.2019, para. 6.4, <https://perma.cc/7Q69-EMKZ>.

treated differently but different treatment is necessary to ensure that persons with disabilities have the same rights as persons without disabilities.¹⁸

The DDA also defines the specific types of discrimination in the areas of access to a building, in obtaining a service, and in access to education and training.¹⁹

The DDA prohibits discrimination with regard to publicly accessible buildings and structures, publicly accessible public transport facilities, residential buildings with more than eight residential units, buildings with more than 50 workplaces, services that are in principle made available to any person by undertakings that require an infrastructure license or a passenger transport license, basic and advanced education and training, and federal employment contracts.²⁰ The cantons may adopt more favorable provisions.²¹

Anyone who experiences discrimination in of those areas may request the competent authority to end the discrimination or ask a court or administrative authority to order the provider of the service to end the discrimination.²² Organizations that represent persons with disabilities may take legal action on their behalf if a substantial number of people are affected.²³

2. *Other Domestic Legislation*

Other domestic laws that include rules on the protection of the rights of people with disabilities include the Federal Act on Disability Insurance (Bundesgesetz über die Invalidenversicherung, IVG), the Telecommunications Act (Fernmeldegesetz, FMG), the Federal Act on Vocational Training (Bundesgesetz über die Berufsbildung, BBG), the Federal Act on Radio and Television (Bundesgesetz über Radio und Fernsehen, RTVG), and the Federal Act on Institutions to Support the Inclusion of Disabled People (Bundesgesetz über die Institutionen zur Förderung der Eingliederung von invaliden Personen, IFEG).²⁴

¹⁸ BehiG, art. 2, para. 2.

¹⁹ Id. art. 2, paras. 3-5.

²⁰ Id. art. 3.

²¹ Id. art. 4.

²² Id. arts. 7, 8.

²³ Id. art. 9.

²⁴ Bundesgesetz über die Invalidenversicherung [IVG], June 19, 1959, SR 831.20, as amended, <https://perma.cc/AB7W-GY3R>; Fernmeldegesetz [FMG], Apr. 30, 1997, SR 784.10, as amended, art. 16, para. 1bis, <https://perma.cc/495F-XTUN> (original), <https://perma.cc/ST5K-9JQK> (English translation); Bundesgesetz über die Berufsbildung [BBG], Dec. 13, 2002, SR 421.10, as amended, art. 3, letter c, art 18, para. 1, art. 21, para. 2c, art. 55, para. 1a, <https://perma.cc/M4TE-HJV2>; Bundesgesetz über Radio und Fernsehen [RTVG], Mar. 24, 2006, SR 784.40, as amended, art. 24, para. 3, <https://perma.cc/VQ3X-A4HJ> (original), <https://perma.cc/VQV4-5H4W> (English translation); Bundesgesetz über die Institutionen zur Förderung der Eingliederung von invaliden Personen [IFEG], Oct. 6, 2006, SR 831.26, as amended, <https://perma.cc/GFZ6-2247>.

3. *Government Agencies*

The main government agency that protects and enforces the rights of people with disabilities is the Bureau for the Equality of Persons with Disabilities (Bureau) (Büro für die Gleichstellung von Menschen mit Behinderungen).²⁵ It is part of the Federal Department of Home Affairs (Eidgenössisches Departement des Innern, EDI).²⁶

The Bureau promotes

- a. information on the statutory principles and guidelines on preventing, reducing or eliminating discrimination against people with disabilities;
- b. programmes and campaigns under Articles 16 [integration] and 18 [information campaigns];
- c. analyses and surveys relating to equal rights and the integration of persons with disabilities;
- d. coordination of the activities of public and private organisations.²⁷

The Disability Discrimination Ordinance (Behindertengleichstellungsverordnung, BehiV) sets out the tasks of the Bureau in more detail.²⁸ Its tasks are to promote equality of persons with and without disabilities in the public sector and work towards the elimination of legal and actual discriminations.²⁹ In particular, the Bureau

- informs the public and prepares documentation;
- advises private persons and government offices;
- examines requests for financial assistance;
- organizes programs, information campaigns, and pilot projects;
- works on equal rights issues on a national and international level;
- prepares legislation as well as reports and other government measures in the area of equality for people with disabilities;
- comments on other federal legislative proposals and measures that touch upon the question of equality for people with disabilities;
- examines the legal standing of organizations that support the rights of persons with disabilities;
- coordinates the work of the specialized organizational units of the federal administration;

²⁵ BehiG, art. 19.

²⁶ Behindertengleichstellungsverordnung [BehiV], Nov. 19, 2003, SR 151.31, as amended, art. 4, <https://perma.cc/S87E-EW8V>.

²⁷ BehiG, art. 19.

²⁸ BehiV, art. 3.

²⁹ Id. art. 3, para. 2.

- works together with the organizations that support the rights of persons with disabilities; and
- regularly reports on its work and the effectiveness of its measures to the EDI.³⁰

III. Rights of Persons with Disabilities

A. Right to Information

1. Publicly Funded NLS-Style Library

The Swiss Library for the Blind, Visual Impaired and Print Disabled (Schweizerische Bibliothek für Blinde, Seh- und Lesebehinderte, SBS) was founded in 1903.³¹ It mainly offers more than 100,000 accessible books, sheet music, teaching aids, movies, and games to blind, visually impaired, and print-disabled people.³² However, the collection also includes more specialized items like LEGO Braille bricks.³³ Furthermore, the SBS produces voting documents as magazines in talking book format for federal, cantonal, and local elections for free.³⁴ According to its website, it is the only organization in the mostly German-speaking jurisdictions that transfers media into five accessible formats.³⁵

The majority of the titles are available in German only; however, a variety of audio books and e-books are offered in English and a limited number are available in French, Italian, Latin, and Spanish.³⁶ Furthermore, the SVS collaborates with Bookshare, an American online library for print-disabled people, to offer its patrons a wider access to English-language e-books.³⁷

Half of the SBS' funding comes from the public sector; the other half is financed by donations, public and private commissions, and by further services.³⁸ In 2023, it received a total of about 7.3 million Swiss Francs (about US\$8.2 million) from the federal government.³⁹

³⁰ Id. art. 3, para. 3.

³¹ *About Us*, SBS, <https://perma.cc/R5VZ-FQTE>.

³² Id.

³³ *LEGO® Braille Bricks*, SBS, <https://perma.cc/3PSS-EYJC>.

³⁴ *Abstimmungsunterlagen*, SBS, <https://perma.cc/9Y8T-UHLL>.

³⁵ The five accessible formats are audio books and games, books and sheet music in Braille, large-print books, e-books, and audio books with text. *About Us*, supra note 31.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ SBS, *SBS Schweizerische Bibliothek für Blinde, Seh- und Lesebehinderte. Jahresbericht 2023*, at 9, <https://perma.cc/FB6S-TJP3>.

2. *Public Legal Information*

The DDA requires public authorities to take account of the special concerns of persons with speech, hearing, or visual disabilities when they deal with the public.⁴⁰ In particular, they must make their online services, including information, accessible to persons with visual disabilities.⁴¹ Public authorities must provide the necessary accommodations to persons with speech, hearing, or visual disabilities upon request to enable them to visit their offices and communicate with them.⁴² These accommodations must be provided within a timeframe that takes account of the circumstances and the urgency of the matter.⁴³

The ordinance specifies that online information as well as communication and transaction services must be accessible for people with speech, hearing, visual, and motor disabilities.⁴⁴ Internet services must be set up according to international IT standards, in particular the guidelines of the World Wide Web Consortium (W3C) on accessible websites, and, on a secondary level, according to national IT standards.⁴⁵ In 2021, Switzerland adopted the eCH-0059 Accessibility Standard Version 3.0 as a binding standard for its websites.⁴⁶ The standard specifies the equal access to information and services requirement for the public according to the CRPD, DDA, and Disability Discrimination Ordinance.⁴⁷

B. Right to Access to Justice

The DDA generally requires all public buildings, including administrative offices and courts, to be built in an accessible manner.⁴⁸ Furthermore, as mentioned, public authorities are generally obligated to take account of the special concerns of persons with speech, hearing, or visual disabilities in their dealings with the public.⁴⁹ Persons with disabilities suffering discrimination may initiate proceedings under articles 7 and 8 of the DDA at no cost.⁵⁰ Organizations that represent persons with disabilities may take legal action on their behalf if a substantial number of people are affected.⁵¹

⁴⁰ BehiG, art. 14, para. 1.

⁴¹ Id. art. 14, para. 2.

⁴² BehiV, art. 11.

⁴³ Id.

⁴⁴ Id. art. 10.

⁴⁵ Id.

⁴⁶ eCH-0059. *Accessibility Standard*, eCH, <https://perma.cc/7ZSN-S5MH>.

⁴⁷ *Digitale Inklusion und Dienstleistungen*, EDI, <https://perma.cc/TJ6E-D286>.

⁴⁸ BehiG, art. 3, letter a, art. 5, para. 1, art. 7.

⁴⁹ Id. art. 14, para. 1.

⁵⁰ Id. art. 10.

⁵¹ Id. art. 9.

The Swiss Code of Criminal Procedure provides that a defense attorney will be appointed for accused who are unable to adequately safeguard their interests in the proceedings due to their physical or mental condition.⁵² Persons with speech or hearing difficulties must be questioned in writing or with the assistance of a qualified person.⁵³ To protect persons with mental difficulties, examinations are limited to essential matters and they may be conducted by specialist criminal or social services authorities.⁵⁴ Furthermore, family members or other confidants or expert witnesses may attend the examination hearing.⁵⁵

In civil proceedings, parties must have legal capacity to act. Persons without legal capacity may act through their legal representative.⁵⁶

In proceedings involving the adult protection authority, the client is generally heard in person unless it seems inappropriate.⁵⁷ If necessary, the adult protection authority appoints a legal representative and a person experienced in care-related and legal matters as deputy for the person with disabilities.⁵⁸

C. Right to Culture

The DDA provides that the federal government may conduct programs to promote the integration of persons with disabilities, in particular with regard to culture, among other topics.⁵⁹ Furthermore, it may provide funding for such programs organized by national organizations or organizations in special language regions.⁶⁰

In 2021, the Federal Office of Culture (Bundesamt für Kultur, BAK) partnered with Pro Infirmis, a non-profit organization that supports a self-determined and independent life of people with disabilities, to make federal museums more accessible.⁶¹ The museums also recognized Pro

⁵² Schweizerische Strafprozessordnung [StPO], Oct. 5, 2007, SR 312.0, as amended, art. 130, letter c, <https://perma.cc/Q6XJ-6TQG> (original), <https://perma.cc/RU3A-7P8J> (English translation).

⁵³ Id. art. 143, para. 7.

⁵⁴ Id. art. 155.

⁵⁵ Id.

⁵⁶ Schweizerische Zivilprozessordnung [ZPO], Dec. 19, 2008, SR 272, as amended, arts. 66, 67, <https://perma.cc/LQ8K-XLHQ> (original), <https://perma.cc/L9TK-4VX9> (English translation).

⁵⁷ Schweizerisches Zivilgesetzbuch [ZGB], Dec. 10, 1907, SR 210, as amended, arts. 443, 447, <https://perma.cc/V4Z3-DKPR> (original), <https://perma.cc/J76W-M6YM> (English translation).

⁵⁸ Id. art. 449a.

⁵⁹ BehiG, art. 16.

⁶⁰ Id.

⁶¹ Press Release, BAK, Die Museen des BAK stärken die Inklusion (Dec. 2, 2021), <https://perma.cc/G2XN-598W>.

Infirmis' "Charta of Cultural Inclusion," which offers guidelines for cultural inclusion in line with article 30 of the CRPD.⁶²

All federal museums as public buildings are handicapped accessible.⁶³ Furthermore, they offer tours for people with visual or hearing impairments, programs for people with dementia, or easy language for selected exhibitions.⁶⁴

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The Federal Council (Bundesrat), the Swiss government, has proposed to partially revise the DDA.⁶⁵ The public comment phase (Vernehmlassung) was completed in May 2024, and the government is currently awaiting the results.⁶⁶ The revision would focus on preventing discrimination in the areas of employment and access to services. This partial revision is part of the Disability Policy Plan 2023-2026 (Behindertenpolitik 2023-2026).⁶⁷

Furthermore, on October 22, 2024, the Swiss Government announced that a proposed popular initiative called "For Equality of People with Disabilities (Inclusion Initiative)" had achieved the required 100,000 number of signatures to be put to a vote.⁶⁸ The Inclusion Initiative would abolish the current article 8, paragraph 4 from the Swiss Constitution (enact measures to achieve equality) and add a new more detailed article 8a.⁶⁹

The new article 8a would read as follows:

Rights of People with Disabilities

1 The law shall ensure equality, both in law and in practice, of people with and without disabilities in all areas of life. People with disabilities have a right to receive the necessary

⁶² Id.; Pro Infirmis. Fachstelle Kultur inklusiv, *Charta zur kulturellen Inklusion* (2020), <https://perma.cc/5CVM-VZZ4>.

⁶³ BehiG, art. 3, letter a, art. 5, para. 1;

⁶⁴ Botschaft zur Förderung der Kultur in den Jahren 2025–2028 (Kulturbotschaft 2025–2028), Mar. 1, 2024, Bundesblatt [BBl.] 2024, 753, at 73, <https://perma.cc/AUN4-WCKE>.

⁶⁵ Bundesgesetz über die Beseitigung von Benachteiligungen von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BehiG): Vorentwurf, <https://perma.cc/5T4J-283W>.

⁶⁶ Vernehmlassung 2023/101. Teilrevision des Bundesgesetzes zur Beseitigung der Benachteiligungen von Menschen mit Behinderungen (Behindertengleichstellungsgesetz; BehiG), Schweizerische Bundeskanzlei, <https://perma.cc/U9ZA-ZEM6>.

⁶⁷ *Behindertenpolitik 2023-2026*, EDI, <https://perma.cc/KQX7-AGUJ>.

⁶⁸ Press Release, Bundesrat, Die «Inklusions-Initiative» ist zustande gekommen (Oct. 22, 2024), <https://perma.cc/89SH-QEYV>; Eidgenössische Volksinitiative «Für die Gleichstellung von Menschen mit Behinderungen (Inklusions-Initiative)». Zustandekommen, BBl. 2024, 2637, <https://perma.cc/F33T-62N5>.

⁶⁹ Eidgenössische Volksinitiative «Für die Gleichstellung von Menschen mit Behinderungen (Inklusions-Initiative)», Bundeskanzlei, <https://perma.cc/XZ43-2A6X>.

support and accommodations within the framework of proportionality, in particular personnel and technical assistance.

2 People with disabilities have a right to choose how and where to live; they have a right to receive the necessary support and accommodations within the framework of proportionality.⁷⁰

⁷⁰ Id.

Taiwan

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SUMMARY Taiwan has developed a comprehensive legal framework to protect the rights of people with disabilities. The People with Disabilities Rights Protection Act (Disabilities Protection Act) establishes the fundamental legal framework for safeguarding the rights of individuals with disabilities. The Special Education Act protects the right of both disabled citizens and gifted and talented citizens to receive adaptive and inclusive education. The Employment Service Act ensures the equal employment opportunities for individuals with disabilities by prohibiting discrimination against job applicants or employees based on disability.

The Disabilities Protection Act requires the Ministry of Education to designate a library responsible for planning, integrating, and collecting books in accessible digital formats to provide book resources for the utilization of people with visual impairments, learning disabilities, hearing impairments, or other perceptual disabilities. The National Taiwan Library has been designated as the national library for the visually impaired and for digitized library resources used by disabled people.

I. Introduction

As of 2023, Taiwan has over 1.2 million disabled people, constituting 5.19% of the total population.¹ The first law addressing the welfare of people with disabilities, the Disability Benefits Act, was enacted in 1980. The act underwent several amendments, ultimately evolving into the current People with Disabilities Rights Protection Act (Disabilities Protection Act), which establishes the fundamental legal framework for safeguarding the rights of individuals with disabilities.²

The Disabilities Protection Act defines people with disabilities as those whose physical systems or functions are impaired, resulting in significant deviations or losses that affect their ability to engage in daily activities and participate in social life. After evaluation and assessment by a committee of professionals in fields such as medicine, social work, special education, and vocational counseling, these individuals will be issued a disability identification. The categories of impairment are listed as the following:

1. Mental functions and structures of the nervous system;
2. Sensory functions and pain of the eye, ear, and related structures;

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¹ *Disability Benefits*, Executive Yuan (Sept. 23, 2024), <https://perma.cc/Y7UX-TVKJ> (in Chinese).

² *Id.*

3. Functions and structures of or involved in voice and speech;
4. Functions and structures of or related to the cardiovascular, hematological, immunological, and respiratory systems;
5. Functions and structures of or related to the digestive, metabolic, and endocrine systems;
6. Functions and structures of or related to the genitourinary and reproductive systems;
7. Neuromusculoskeletal and movement related functions and structures;
8. Functions and related structures of the skin.³

II. Legal Framework

A. Constitutional Protections

The human rights protection of people with disabilities is explicitly outlined in the Constitution. Under article 155 of the Constitution, the state must provide appropriate assistance and relief for the disabled.⁴ Furthermore, article 10, paragraph 7 of the Additional Articles of the Constitution specifies that “[t]he State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop.”⁵ These provision lays the fundamental framework for the protection of individuals with disabilities in Taiwan.

B. International Obligations

Although not a member of the United Nations, Taiwan adopted the Convention on the Rights of Persons with Disabilities (CRPD) through domestic law. Article 2 of the Act to Implement the Convention on the Rights of Persons with Disabilities (Act to Implement the CRPD) states that provisions in the CPRD have domestic legal status. The act took effect on December 3, 2014.⁶

³ People with Disabilities Rights Protection Act (promulgated June 2, 1980, last amended Jan. 20, 2021) (Disabilities Protection Act) art. 5, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/VXP3-F9NH> (in Chinese), <https://perma.cc/RR73-SYDU> (English translation).

⁴ Constitution of the Republic of China (promulgated Jan. 1, 1947) art. 155, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/U4Y7-7TCB> (in Chinese), <https://perma.cc/CU48-XCL5> (English translation).

⁵ Additional Articles of the Constitution of the Republic of China (promulgated May 1, 1991, last amended June 10, 2005) art. 10, para. 7, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/F5BM-MSRP> (in Chinese), <https://perma.cc/PD6B-F4GC> (English translation).

⁶ Act to Implement the Convention on the Rights of Persons with Disabilities (promulgated Aug. 20, 2014), Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/BKF8-H56J> (in Chinese), <https://perma.cc/GJ6W-TRF6> (English translation).

Moreover, to better align with the Marrakesh Treaty, the Copyright Act in Taiwan was amended in 2014.⁷ Article 53 of the Copyright Act regulates the use of publicly released publications by people with visual impairments, learning disabilities, hearing impairments, or other perceptual disabilities. Under this article, local or central government agencies, nonprofit organizations, and all legally established schools are permitted to translate, produce Braille versions, create audio recordings, digitalize, provide verbal descriptions, offer sign language accompaniment, or use other methods to make works accessible to people with visual impairments, learning disabilities, hearing impairments, or other perceptual disabilities.⁸

Taiwan has developed its sustainable development goals (SDGs) in reference to the United Nations' SDGs. The 2023 Annual Report on National Sustainable Development, published by the National Council for Sustainable Development under Executive Yuan, highlights the welfare of people with disabilities under several SDGs. Among them are the following:

- SDG 1: Strengthen social care services and economic security for the disadvantaged,⁹
- SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all,¹⁰
- SDG 9: Build affordable, safe, environmentally friendly, resilient and sustainable transportation,¹¹
- SDG 10: Reduce inequality within and among countries,¹² and
- SDG 11: Make cities and human settlements inclusive, safe, resilient and sustainable.¹³

C. Domestic Legislation That Governs the Protection of Persons with Disabilities

1. General Legislation

The Disabilities Protection Act addresses a wide range of topics concerning persons with disabilities, including health and medical care, education, employment, support services, and economic security. The purposes of the act include protecting the legal rights and interests of people with disabilities, securing their equal opportunity to participate in social, political,

⁷ *Amended Provisions and Reasons*, Legal Database of Legislative Yuan, Jan. 7, 2014, <https://perma.cc/67UF-DLVR> (in Chinese).

⁸ Copyright Act (promulgated May 14, 1928, last amended June 15, 2022) art. 53, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/XN4D-E3CD> (in Chinese), <https://perma.cc/U5ZB-TNAD> (English translation).

⁹ Nat'l Council for Sustainable Dev., *2023 Annual Report on National Sustainable Development* 10-11, <https://perma.cc/W3Y8-JBDK> (in Chinese).

¹⁰ *Id.* at 17.

¹¹ *Id.* at 30-31.

¹² *Id.* at 33.

¹³ *Id.* at 37-38.

economic, and cultural activities fairly, and contributing to their independence and development.¹⁴

The Disabilities Protection Act designates specific competent authorities responsible for overseeing various welfare services and rights related to persons with disabilities.¹⁵ It states that people with disabilities must have their dignity, legal rights, and interests respected, ensuring nondiscrimination in education, employment, housing, migration, and medical care.¹⁶

The Special Education Act protects the rights of both disabled citizens and gifted and talented citizens to receive adaptive and inclusive education.¹⁷ It ensures that students with disabilities have appropriate assistance so they can freely express their views on matters affecting them.¹⁸ Schools of all levels and examinations agencies are prohibited from denying a person admission or examination eligibility solely due to a disability.¹⁹ To support students and preschool children with disabilities, schools must provide services such as education and sports aids, adaptive teaching material, and access to a barrier-free campus.²⁰

The Employment Service Act ensures equal employment opportunities for individuals with disabilities by prohibiting discrimination against a job applicant or employee based on a disability.²¹ The act requires competent authorities to create plans to assist those who want to find a job, and if necessary, provide some subsidies to the disabled.²² It also mandates that public employment services institutions actively seek job opportunities for people with disabilities and regularly announce this information.²³

2. *Disabled Minors*

The Disabilities Protection Act requires public preschools and after-school care services to prioritize enrolling children with disabilities, and it provides for subsidies to private preschools and after-school care services that accept these children.²⁴ The Early Childhood Education and

¹⁴ Disabilities Protection Act art. 1.

¹⁵ Id. art. 2.

¹⁶ Id. art. 16, para. 1.

¹⁷ Special Education Act (promulgated Dec. 17, 1984, last amended June 21, 2023) art. 1, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/U3JS-VXED> (in Chinese), <https://perma.cc/3JCA-DNH8> (English translation).

¹⁸ Id. art. 11.

¹⁹ Id. art. 25, para. 1.

²⁰ Id. art. 38, para. 1

²¹ Employment Service Act (promulgated May 8, 1992, last amended May 10, 2023) art. 5, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/69BM-B5JF> (in Chinese), <https://perma.cc/NGA2-WDAW> (English translation).

²² Id. art. 24, para. 1.

²³ Id. art. 25.

²⁴ People with Disabilities Rights Protection Act art. 31, para. 2.

Care Act also mandates that the competent authority provide early intervention, professional assistance, and subsidies to children with disabilities.²⁵

Moreover, for the safety of disabled minors, the Protection of Children and Youths Welfare and Rights Act allows parents and guardians to authorize the Criminal Investigation Bureau of the National Police Agency to collect the fingerprints of minors who are disabled, developmentally delayed, or suspected to be developmentally delayed.²⁶

3. Disabled Veterans and Police

The Indemnities Act for Military Personnel regulates compensation for military personnel who become disabled in combat, while on duty, or due to illness or accident.²⁷ The Police Personnel Management Act covers compensation for police officers who need to retire because of inability to carry out their duties due to physical or mental disability caused by violence or harm suffered in the line of duty.²⁸

4. Persons with Visual Impairments

The Disabilities Protection Act explicitly emphasizes the protection of education, employment, and support services for individuals with visual impairments. The act encourages central authorities to support colleges in offering programs related to massage, physical therapy, or medical massage skills, while ensuring access to education for those with visual disabilities.²⁹ The act prohibits medical care institutions, bus or train stations, airports, park operators, and government agencies from providing premises for people without visual impairments to offer massage or physiotherapy massage services.³⁰ They must make such premises available to people with visual impairments who practice massage or therapeutic massage. Additionally, for government agencies and public enterprises with more than 10 telephone service staff, unless otherwise specified by other regulations, at least one-tenth of the staff must consist of individuals with visual impairments.³¹

²⁵ Early Childhood Education and Care Act (promulgated June 29, 2011, last amended June 29, 2022) art. 13, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/R3DF-35MN> (in Chinese), <https://perma.cc/XNY7-VS5S> (English translation).

²⁶ Protection of Children and Youths Welfare and Rights Act (promulgated May 28, 2003, last amended Jan. 20, 2021) art. 30, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/C752-7ADN> (in Chinese), <https://perma.cc/3US7-6EDT> (English translation).

²⁷ Indemnities Act for Military Personnel (promulgated Jan. 7, 1949, last amended June 9, 2023), Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/CC9A-W9EQ> (in Chinese), <https://perma.cc/F4BS-9VXJ> (English translation).

²⁸ Police Personnel Management Act (promulgated Jan. 17, 1976, last amended Dec. 22, 2021) art. 35, para. 1, subpara. 2, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/PE42-5ZZT> (in Chinese), <https://perma.cc/SHM3-2XUW> (English translation).

²⁹ People with Disabilities Rights Protection Act art. 32, para. 2.

³⁰ Id. art. 46, para. 5.

³¹ Id. art. 46-1, para. 1.

Chapter 5 of the Disabilities Protection Act provides support services for individuals with disabilities. Article 55 requires the municipal and county governments to promote voice signals and voice location systems for individuals with visual impairments.³²

5. *Persons with Hearing Impairments*

The Disabilities Protection Act requires the municipal and county governments to set up service windows for sign language interpretation services. Based on the actual need of individuals with hearing or speech impairments, they should provide the necessary services for participation in public affairs.³³

III. Rights of Persons with Disabilities

A. Right to Information

1. *Publicly Funded NLS-Style Library*

The Disabilities Protection Act requires the Ministry of Education (MOE) to designate a library to be responsible for planning, integrating, and collecting books in accessible digital formats to provide book resources for use by people with visual impairments, learning disabilities, hearing impairments, or other perceptual disabilities.³⁴ The Regulations for Utilizing Digitized Library Resources by People with Disabilities defines digitized library resources as digital-format text files, audiobooks, large-print books, Braille books, and other library resources that individuals with disabilities can access using assistive devices.³⁵

In 2011, the National Taiwan Library was designated by the MOE as the national library for the visually impaired. In 2014, the library was further designated as the library for the implementation and promotion of the Regulations for Utilizing Digitized Library Resources by People with Disabilities.³⁶

Additionally, the Library Act states that libraries should offer services for special readers such as individuals with visual, hearing, and learning disabilities.³⁷ Established under the act, the Regulations on the Collection, Transfer, Provision, and Technical Specifications of Special

³² Id. art. 55, para. 2.

³³ Id. art. 61, para. 1.

³⁴ Id. art. 30-1.

³⁵ Regulations for Utilizing Digitized Library Resources by People with Disabilities (promulgated Dec. 15, 2011, last amended Nov. 21, 2014) art. 2, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/8WSS-BYR9> (in Chinese).

³⁶ *Introduction to the Visual Impairment Information Center*, Nat'l Taiwan Libr. (Nov. 10, 2021), <https://perma.cc/8P74-FB3S>.

³⁷ Library Act (promulgated Jan. 17, 2001, last amended Feb. 4, 2015) art. 9, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/CBB4-MUAR> (in Chinese), <https://perma.cc/GB35-JBUM> (English translation).

Versions of Library Resources for Special Readers is implemented to regulate the services offered to readers with disabilities.³⁸

2. *Public Legal Information*

The Disabilities Protection Act mandates that competent authorities ensure services such as access to public information, fair participation in politics, and legal counseling and support to individuals with disabilities. Specifically, access to public information requires that internet, telecommunications, broadcasting, and TV program services provide accessible options to accommodate individuals with visual, hearing, and speech disabilities.³⁹

The Organization Act of the Legislative Yuan reinforces the importance of accessible public information. It stipulates that, when broadcasting parliamentary proceedings, Legislative Yuan must provide accessible information services such as real-time transcription or sign language interpretation to ensure equal participation rights for people with disabilities in politics and public life.⁴⁰

According to the Guidelines for Access to Justice for Individuals with Disabilities published by Judicial Yuan, courts must ensure that people with disabilities can access court records to meet their special needs. Appropriate judicial assistance includes providing Braille versions, screen readers, and large print documents.⁴¹

B. Right to Access to Justice

During litigation proceedings, under article 84 of the Disabilities Protection Act, the court or prosecutorial department must provide all necessary assistance to individuals with disabilities. Assistance should be provided based on the special need for the type of disability.⁴²

The Legal Aid Act provides legal aid to people who are unable to make full statements due to damage or impairment of the nervous system or psychological or mental functions, and who did not retain an attorney during an investigation or trial. It also applies to those who did not retain

³⁸ Regulations on the Collection, Transfer, Provision, and Technical Specifications of Special Versions of Library Resources for Special Readers (promulgated Dec. 7, 2015), Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/227M-MYCB> (in Chinese).

³⁹ People with Disabilities Rights Protection Act art. 52.

⁴⁰ Organization Act of the Legislative Yuan (promulgated Mar. 31, 1947, last amended Dec. 27, 2023) art. 5, para. 6, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/3RWL-M2AT> (in Chinese).

⁴¹ Judicial Yuan, *Guidelines for Access to Justice for Individuals with Disabilities* 27-28, <https://perma.cc/P4QB-3SKW> (in Chinese).

⁴² People with Disabilities Rights Protection Act art. 84, para. 1.

a legal representative during a trial in which retaining a legal representative was deemed necessary by the presiding judge.⁴³

The following are provisions that specifically mention the right of individuals with disabilities in different litigation procedures.

1. *Civil Procedure*

The Code of Civil Procedure states that the court should appoint an interpreter where a person who participates in the arguments has hearing, sound, or language impairments.⁴⁴ If a mental disability prevents a witness from understanding the meaning and effect of a written oath, the court must not order the witness to sign the oath.⁴⁵

2. *Criminal Procedure*

Under the Code of Criminal Procedure, if a defendant or suspect is unable to make a complete statement due to disabilities, the court must notify their legal representative, spouse, or close family members, who may then appoint a defense attorney.⁴⁶ If the defendant has not appointed a defense attorney, the presiding judge must assign a public defender.⁴⁷

Furthermore, a defendant or suspect who is unable to make a complete statement due to disabilities must have an assistant present during the proceedings.⁴⁸ If the defendant or other person being examined has hearing or speech impairments, an interpreter must be provided.⁴⁹

Similar to civil procedure, the court must not order a witness whose mental disability prevents comprehension of the meaning and effect of a written oath to sign the oath.⁵⁰

3. *Administrative Procedure*

The Administrative Litigation Act provides that, if the people relevant to the litigation have a hearing, visual, or speaking impairment, the court should appoint an interpreter, ask questions

⁴³ Legal Aid Act (promulgated Jan. 7, 2004, last amended July 1, 2015) art. 5, para. 4, subpara. 3, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/GTU8-R26F> (in Chinese), <https://perma.cc/3LXX-BZV5> (English translation) .

⁴⁴ Code of Civil Procedure (promulgated Dec. 26, 1930, last amended Nov. 29, 2023) art. 207, para. 2, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/K225-UPKY> (in Chinese), <https://perma.cc/FVN9-LE98> (English translation).

⁴⁵ Id. art. 314, para. 1.

⁴⁶ Code of Criminal Procedure (promulgated July 28, 1928, last amended July 31, 2024) art. 27, para. 3, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/GG8T-KTDP> (in Chinese).

⁴⁷ Id. art. 31, para. 1, subpara. 3.

⁴⁸ Id. art. 35, para. 3.

⁴⁹ Id. art. 99.

⁵⁰ Id. art. 186, para. 1, subpara 2.

in written form or have such persons answer in written form.⁵¹ The court must not order a witness whose mental disability prevents comprehension of the meaning and effect of a written oath to sign the oath.⁵²

To better align with the CPRD, in 2024, the Judicial Yuan amended the Guidelines for Access to Justice for Individuals with Disabilities. The guidelines introduce the judicial assistance available for each type of disability and provide a general explanation of judicial assistance across various procedures. The courts must refer to the guidelines and provide necessary judicial assistance in cases involving individuals with disabilities.⁵³

C. Right to Culture

The right to culture of people with disabilities is a fundamental aspect of their legal protections, as emphasized in the Disabilities Protection Act. Article 1 of the act specifically states that its purpose is to protect the legal rights and interests of people with disabilities, ensuring they have an equal opportunity to participate in culture activities.⁵⁴ Furthermore, the act designates the competent authorities of culture as responsible for the planning, implementation, and supervision of the welfare programs concerning the cultural activities for supporting cultural engagement for people with disabilities.⁵⁵

Various laws and regulations also emphasize accessibility in cultural activities. For example, the Public Television Act mandates that educational, informational, and recreational programming must consider the needs of individuals with hearing or visual impairment.⁵⁶ Additionally, the Enforcement Rules of the Museum Act require public museums to offer discounted tickets to individuals with disabilities, further promoting inclusivity in cultural institutions.⁵⁷

To further enhance accessibility, in 2022, the Ministry of Culture introduced an initiative aiming to encourage ticket vendors, through subsidies, to create user-friendly online platforms that cater to people with disabilities, ensuring that they can easily access tickets for arts and cultural

⁵¹ Administrative Litigation Act (promulgated Nov. 17, 1932, last amended June 22, 2022) art. 122-1, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/GYT3-DMJ6> (in Chinese), <https://perma.cc/6S74-4ZQJ> (English translation).

⁵² Id. art. 150.

⁵³ Judicial Yuan, *supra* note 41, at 4.

⁵⁴ People with Disabilities Rights Protection Act art. 1.

⁵⁵ Id. art. 2, para. 3, subpara. 12.

⁵⁶ Public Television Act (promulgated June 18, 1997, last amended June 21, 2023) art. 38, para. 2, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/N8AL-LQU5> (in Chinese), <https://perma.cc/6QDW-CKRN> (English translation).

⁵⁷ Enforcement Rules of the Museum Act (promulgated Dec. 31, 2015, last amended June, 23, 2017) art. 4, para. 1, Laws and Regulations Database of the Republic of China (Taiwan), <https://perma.cc/QS3K-67M3> (in Chinese).

performances. This program reflects the ministry's commitment to effectively implementing the core principles of Article 30 of the CRPD, which advocates equal cultural participation for all.⁵⁸

IV. Current Legislative Proposals on Access to Information for Persons with Disabilities

The Ministry of Health and Welfare in Taiwan has recently proposed amendments to the Disabilities Protection Act to better align with the CRPD. The proposals regarding access to information for people with disabilities include

- Article 10-1: Government and public or private institutions must ensure individuals with disabilities can express their views on policies and regulations. Information should be accessible in formats suitable for various disabilities, such as Braille, sign language, or easy-to-read formats.⁵⁹
- Article 52-1, paragraph 1: The competent authorities should plan public buildings, public facilities, and activity spaces as well as accessible transportation facilities and services, information, communication technologies and systems, online platforms, and daily communications, based on the principles of universal design to ensure usability for all types of individuals with disabilities.⁶⁰

The Ministry of Health and Welfare issued a notice for comments on the revision of the Disabilities Protection Act, and public feedback was open until September 6, 2024. The revision is currently under review by the Legislative Yuan.⁶¹

⁵⁸ Ministry of Culture Order Wen Ying Zi No. 11130209342, Executive Yuan Gazette Vol. 28 No. 155, Aug. 17, 2022, <https://perma.cc/3CZJ-MPCX> (in Chinese).

⁵⁹ Health & Welfare Ministry, *Comparison Table of the Amendments on People with Disabilities Rights Protection Act* 8, Aug. 7, 2024, <https://perma.cc/K2DF-DRM8> (in Chinese).

⁶⁰ Id. at 13-14.

⁶¹ Health & Welfare Ministry, Notice for the Amendments of Disabilities Protection Act, Aug. 7, 2024, <https://perma.cc/H9AE-BMY6> (in Chinese).

Access to Information for Persons with Disabilities in Selected Jurisdictions

Table of Primary Sources

Jurisdiction	Type of Law	Citation	URL
Brazil	Constitution	Constituição Federal	https://perma.cc/9H4G-BBK8
	Statute	Decreto Legislativo No. 186, de 9 de Julho de 2008	https://perma.cc/7PUZ-SMWH
		Decreto Legislativo No. 261, de 25 de Novembro de 2015	https://perma.cc/674L-C77J
		Decreto No. 6.949, de 25 de Agosto de 2009	https://perma.cc/QCW5-PAGL
		Decreto No. 3.298, de 20 de Dezembro de 1999	https://perma.cc/Y8GX-9Z7U
		Decreto No. 9,522, de 8 de Outubro de 2018	https://perma.cc/STW4-5F4L
		Estatuto da Criança e do Adolescente, Lei No. 8.069, de 13 de Julho de 1990	https://perma.cc/AY4X-6N9H
		Estatuto da Pessoa com Deficiência, Lei No. 13.146, de 6 de Julho de 2015	https://perma.cc/SJA5-LJ9E
		Lei No. 7.853, de 24 de Outubro de 1989	https://perma.cc/F5ZV-ZQPA
		Lei No. 10.098, de 19 de Dezembro de 2000	https://perma.cc/55W2-R4CJ
Canada	Constitution	Constitution Act, 1867, 30 & 31 Vict. c 3 (U.K.) reprinted in R.S.C. 1985, app II, no 5 (Can.)	https://perma.cc/TF9W-LNRB
		Constitution Act, 1982, being Schedule B to the Canada Act 1982, c 11 (U.K.)	https://perma.cc/TF9W-LNRB
	Statute	Access to Information Act, RSC 1985, c A-1	https://perma.cc/MM64-C858
		Accessible Canada Act, SC 2019, c 10	https://perma.cc/ND2B-S78D

Jurisdiction	Type of Law	Citation	URL
		An Act to amend the Copyright Act (access to copyrighted works or other subject-matter for persons with perceptual disabilities), SC 2016, c 4	https://perma.cc/7DSH-595R
		Broadcasting Act, SC 1991, c 11	https://perma.cc/XH5D-ZAMG
		Canada Evidence Act, RSC 1985, c C-5	https://perma.cc/497A-LJLT
		Canadian Human Rights Act, RSC 1985, c H-6	https://perma.cc/T9QY-5NKC
		Copyright Act, RSC 1985, c C-42	https://perma.cc/PL2X-PR5R
		Federal Court Rules, SOR/98-106	https://perma.cc/CY2S-Y58D
		Online Streaming Act, SC 2023, c 8	https://perma.cc/54A2-C8ZW
	Regulation	Accessible Canada Regulations, SOR/2021-241	https://perma.cc/4F8V-D7GC
	Constitution (Quebec)	Charter of Human Rights and Freedoms, CQLR c C-12	https://perma.cc/42S6-YW5Z
	Statute (British Columbia)	Accessible British Columbia Act, SBC 2021, c 19	https://perma.cc/Y278-GM3P
	Statute (Manitoba)	The Accessibility for Manitobans Act, CCSM c A1.7	https://perma.cc/8VAV-4YXY
	Statute (Newfoundland and Labrador)	Accessibility Act, SNL 2021, c A-1.001	https://perma.cc/TS7S-L6YM
	Statute (Nova Scotia)	Accessibility Act, SNS 2017, c 2	https://perma.cc/ZJC4-CX9M
	Statute (Ontario)	Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11	https://perma.cc/E65Q-KSEP
		Rules of Civil Procedure, RRO 1990, Reg 194	https://perma.cc/E33D-MFG3

Jurisdiction	Type of Law	Citation	URL
	Statute (Quebec)	Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration, CQLR c E-20	https://perma.cc/P8N6-RLD4
		Code of Civil Procedure, CQLR c C-25.01	https://perma.cc/Y4N6-K7TE
	Statute (Saskatchewan)	Accessible Saskatchewan Act, SS 2023, c 19	https://perma.cc/2UKA-28WA
	Regulation (Quebec)	Regulation respecting Affirmative Action Programs, CQLR c C-12, r 3	https://perma.cc/Y83P-ACZG
China	Constitution	PRC Constitution	https://perma.cc/QF3J-FVU8 (in Chinese), https://perma.cc/448T-9WU9 (English translation)
	Statute	Law on the Development of Barrier-Free Environments	https://perma.cc/M5G9-93HT (in Chinese)
		Criminal Procedure Law	https://perma.cc/P7V9-K3RK (in Chinese)
		Law on the Protection of Disabled Persons	https://perma.cc/HLE3-QJJS (in Chinese)
		Law on the Protection of Minors	https://perma.cc/9NWX-3BBD (in Chinese)
		Veteran Support Law	https://perma.cc/LFC9-A645 (in Chinese)
Colombia	Constitution	Constitution of 1991	https://perma.cc/D3FL-FW4D
	Statute	Law 361 of 1997	https://perma.cc/5DNZ-6QPJ
		Law 397 of 1997	https://perma.cc/2HAT-C85S
		Law 1145 of 2007	https://perma.cc/C6W9-JJWZ
		Law 1237 of 2008	https://perma.cc/NB6E-TNR3
		Law 1618 of 2013	https://perma.cc/AZ8S-UUK8

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		Law 1680 of 2013	https://perma.cc/S2K4-6TJT
		Law 1752 of 2015	https://perma.cc/R8K5-4S7U
		Law 1996 of 2019	https://perma.cc/W2DS-34ER
		Law 143 of 2023	https://perma.cc/VL39-MKUZ
		Law 2294 of 2023	https://perma.cc/P7X3-623D
		Law 2281 of 2023	https://perma.cc/RRE3-NSHY
	Decree	Decree 2082 of 1996	https://perma.cc/4Q7N-8QT5
		Decree 2369 of 1997	https://perma.cc/93VP-BE2E
		Decree 627 of 2007	https://perma.cc/2V2S-MRW3
		Decree 366 of 2009	https://perma.cc/A655-3WMS
		Decree 1782 of 2013	https://perma.cc/DYV6-6L77
	Resolution	Ministry of Education of Colombia Res. 2565 (Oct. 24, 2003)	https://perma.cc/XQV4-M5W5
	Court Decision	Sentence T-599/16	https://perma.cc/Y948-JVVN
	Proposed Bill	PL No. 64/24	https://perma.cc/C77R-TP93
		PL No. 109/24	https://perma.cc/JNW3-9G7M
		PL No. 119/24	https://perma.cc/33M2-6L9D
		PL No. 137/24	https://perma.cc/U7AW-WD93
		PL No. 193/24	https://perma.cc/5HGY-7FMZ
PL No. 292/24		https://perma.cc/EF4U-Z25R	
PL No. 1629/23		https://perma.cc/JUA3-2UKM	
PL No. 204/23		https://perma.cc/3QX3-Y8WL	
PL No. 275/24	https://perma.cc/CCH3-46AC		
Congo, Democratic Republic of the	Constitution	Constitution de la Republique Democratique du Confo Modifiée par la Loi n° 11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République	https://perma.cc/CZ48-NUD4

Jurisdiction	Type of Law	Citation	URL
		Démocratique du Congo du 18 février 2006, J. O. Feb. 5, 2011	
	Statute	Instrument d'adhésion de la République Démocratique du Congo a la Convention relative aux droits des personnes handicapées et protocole facultatif, J. O. Dec. 1, 2015	https://perma.cc/AS54-REKK
		Loi n° 13/024 du 07 juillet 2013 autorisant l'adhésion de la République Démocratique du Congo (RDC) à la Convention relative aux droits des personnes handicapées et à son Protocole facultatif, J. O. Aug. 1, 2013	https://lccn.loc.gov/2007217115 (bibliographic record)
		Loi organique 0°22/003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap, J. O. June 1, 2022	https://perma.cc/CUD2-K9A8
	Regulation	Décret n° 24/26 du 25 mars 2024 fixant les modalités pratiques d'accessibilité des personnes avec handicap aux infrastructures, aides et autres services sociaux de base en République Démocratique du Congo, J. O. June 1, 2024	https://perma.cc/W8PT-5W2T
Denmark	Constitution	Grundloven [Danish Constitution] (LOV nr 169 af 05/06/1953)	https://perma.cc/9PRJ-H4DJ
	Statute	Bekendtgørelse af Lov om Forbud mod Forskelsbehandling på grund af Handicap (LBK nr 1071 af 10/08/2023)	https://perma.cc/S88C-TJUG

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		Bekendtgørelse af Lov om Radio- og Fjernsynsvirksomhed m.v. (LBK nr 1350 af 04/09/2020)	https://perma.cc/XLY2-YRZW
		Bekendtgørelse af lov om retssikkerhed og administration på det sociale område (LBK nr 261 af 13/03/2024)(Retssikkerhedsloven)	https://perma.cc/FF5Q-CJXF
		Bekendtgørelse af lov om rettens pleje (LBK nr 1160 af 05/11/2024)(Retsplejeloven)	https://perma.cc/9P9X-XVFZ
		Biblioteksloven (LBK nr 100 af 30/01/2013)	https://perma.cc/YQ3W-6M9U
		Lov om Institut for Menneskerettigheder - Danmarks Nationale Menneskerettighedsinstitution (LOV nr 553 af 18/06/2012)	https://perma.cc/G5WH-HGJD
		Museumsloven (LBK nr 358 af 08/04/2014)	https://perma.cc/7BGM-X3V5
		Offentlighedsloven (LBK nr 145 af 24/02/2020)	https://perma.cc/FRG9-JZX7
		Ophavsretsloven (LBK 2023/1093)	https://perma.cc/KAZ2-W9ER
		Webtilgængelighedsloven (LOV nr 692 af 08/06/2018)	https://perma.cc/M2WD-PT64
		Regulation	Bekendtgørelse om råd på det sociale område (BEK nr 580 af 09/05/2022)
Egypt	Law	Law No. 10 of 2018, al-Jaridah al-Rasmiyah, vol. 7 duplicate (C), 19 Feb. 2018 (in Arabic).	https://perma.cc/XEP7-78S8
El Salvador	Constitution	Constitution of 1983	https://perma.cc/MR27-ETEJ
	Statute	Special Law on the Inclusion of Persons with Disabilities, Decree No. 672, June 22, 2020	https://perma.cc/A8LU-6GBG
		Family Code	https://perma.cc/KGH2-YPX3

Jurisdiction	Type of Law	Citation	URL
		Electoral Code, Decree No. 413, July 3, 2013	https://perma.cc/5RSZ-YK96
		Labor Code, Decree No. 15, July 3, 1972	https://perma.cc/4AUZ-HGWU
		General Education Law, Decree No. 917, Dec. 12, 1996	https://perma.cc/8QV7-E38U
		Law for the Protection of Disabled Veterans, Decree No. 416, Dec. 13, 1992	https://perma.cc/UP83-5LLV
		General Law on Youth, Decreto No. 910, Nov. 17, 2011	https://perma.cc/9PDB-E2D9
		Law on General Education, Decreto No. 917, Dec. 19, 1996	https://perma.cc/4TG9-92YM
England	Statute	Copyright, Design and Patent Act 1988, c. 48	https://perma.cc/5LGF-6V62
		Equality Act 2010, c. 15	https://perma.cc/PD2X-D8AJ
		Human Rights Act 1998, c. 42	https://perma.cc/SF54-H6NF
		Public Libraries and Museums Act 1964, c. 75	https://perma.cc/8ZXJ-F288
	Secondary Legislation	Criminal Procedure Rules, SI 2020/759	https://perma.cc/3URN-6TK5
		Legal Deposit Libraries (Non-Print Works) Regulations 2013, SI 2013/777	https://perma.cc/KSZ8-QRGC
		Regulation of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018, SI 2018/952	https://perma.cc/68MZ-JW6M
France	Constitution	Texte intégral de la Constitution du 4 octobre 1958 en vigueur, Texte intégral en vigueur à jour de la révision constitutionnelle du 8 mars 2024	https://perma.cc/B7JE-5ZQ7
		Préambule de la Constitution du 27 octobre 1946	https://perma.cc/E3DW-D69E
	Statute	Code de la construction et de l'habitation	https://perma.cc/2AYN-2UST

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		Code de la Sécurité Sociale	https://perma.cc/76PJ-WMBK
		Code de l'action sociale et des familles	https://perma.cc/X3R9-KBU9
		Code de l'éducation	https://perma.cc/YRQ3-XBJA
		Code des pensions militaires d'invalidité et des victimes de guerre	https://perma.cc/L496-MKQN
		Code électoral	https://perma.cc/H27S-49Y3
		Loi n° 2005-102 du 11 février 2005 pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées et liens vers les décrets d'application, J. O. Feb. 12, 2005	https://perma.cc/X98R-KJ7Q
		Loi n° 2007-308 du 5 mars 2007 portant réforme de la protection juridique des majeurs, J. O. Mar. 7, 2007	https://perma.cc/BR8Z-99QX
		Loi n° 2016-1321 du 7 octobre 2016 pour une République numérique, J. O. Oct. 8, 2016	https://perma.cc/Q6D6-VMYR
		Loi n° 2016-925 du 7 juillet 2016 relative à la liberté de la création, à l'architecture et au patrimoine, J. O. July 8, 2016	https://perma.cc/C5PL-G3D5
		Loi n° 2018-771 du 5 septembre 2018 pour la liberté de choisir son avenir professionnel, J. O. Sept. 6, 2018	https://perma.cc/KB83-YCWZ
		Loi n° 2023-171 du 9 mars 2023 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de l'économie, de la santé, du travail, des transports et de l'agriculture	https://perma.cc/C2A7-QVUH

Jurisdiction	Type of Law	Citation	URL
		Loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique, J. O. July 13, 1991	https://perma.cc/SZD7-L4K7
	Regulation	Arrêté du 14 août 2023 relatif aux exigences d'accessibilité applicables aux livres numériques et logiciels spécialisés, J. O. Aug. 22, 2023	https://perma.cc/HS8S-UZ6K
		Circulaire interministérielle n° 2007-53 DGUHC du 30 novembre 2007 relative à l'accessibilité des établissements recevant du public, des installations ouvertes au public et des bâtiments d'habitation	https://perma.cc/5PS9-9VMX
		Décret n° 2010-356 du 1er avril 2010 portant publication de la convention relative aux droits des personnes handicapées (ensemble un protocole facultatif), signée à New York le 30 mars 2007, J. O. Apr. 3, 2010	https://perma.cc/TJH4-PEJR
		Décret n° 2022-1561 du 13 décembre 2022 relatif au parcours professionnel et aux droits des travailleurs handicapés admis en établissements et services d'aide par le travail, J. O. Dec. 14, 2022	https://perma.cc/YD2Y-CVUK
		Décret no 2005-1591 du 19 décembre 2005 relatif à la prestation de compensation à domicile pour les personnes handicapées, J. O. Dec. 20, 2005	https://perma.cc/QU86-SC6A
	Proposed Bill	Proposition de loi, n° 260, visant à faire du handicap une « grande cause nationale », Assemblée Nationale, Sept. 17, 2024	https://perma.cc/RS44-DS3U

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		Proposition de loi, n° 439, visant à renforcer le parcours inclusif des élèves en situation de handicap, Assemblée Nationale, Oct. 15, 2024	https://perma.cc/MZ89-N7ZG
Germany	Constitution	Grundgesetz [GG], May 23, 1949, Bundesgesetzblatt [BGBl.] I at 1, as amended	https://perma.cc/5H2X-EDTL (original), https://perma.cc/H2GT-EPEP (English translation, updated through Dec. 19, 2022)
	Statute	Allgemeines Gleichbehandlungsgesetz [AGG], Aug. 14, 2006, BGBl. I at 1897, as amended	https://perma.cc/VT8M-CZZ5 (original), https://perma.cc/MT26-9NC4 (English translation, updated through Dec. 19, 2022)
		Barrierefreiheitsstärkungsgesetz [BFSG], July 16, 2021, BGBl. I at 2970, as amended	https://perma.cc/R7QJ-CGYD
		Behindertengleichstellungsgesetz [BGG], Apr. 27, 2002, BGBl. I at 1467, 1468, as amended	https://perma.cc/X73H-67VA
		Bundesteilhabegesetz [BTHG], Dec. 23, 2016, BGBl. I at 3234, as amended	https://perma.cc/6HGP-99ZH
		Filmförderungsgesetz [FFG], Dec. 23, 2016, BGBl. I at 3413, as amended	https://perma.cc/3JKX-LX52
		Gerichtsverfassungsgesetz [GVG], May 9, 1975, BGBl. I at 1077, as amended	https://perma.cc/2SR4-WMVS (original), https://perma.cc/8JL6-AR5X (English translation, updated through Oct. 25, 2023)
		Gesetz über das Verfahren in Familiensachen und in den Angelegenheiten der freiwilligen	https://perma.cc/R5LA-QBE2 (original), https://perma.cc/9RTV-

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		Gerichtbarkeit [FamFG], Dec. 17, 2008, BGBl. I at 2586, 2587, as amended	4R2K (English translation, updated through Oct. 5, 2021)
		Gesetz über die psychosoziale Prozessbegleitung [PsychPbG], Dec. 21, 2015, BGBl. I at 2525, 2529, as amended	https://perma.cc/NLQ4-6ZFX
		Sozialgesetzbuch Neuntes Buch – Rehabilitation und Teilhabe von Menschen mit Behinderungen [SGB IX], Dec. 23, 2016, BGBl. I at 3234, as amended	https://perma.cc/DYC7-A939
		Strafprozeßordnung [StPO], Apr. 7, 1987, BGBl. I at 1074, 1319, as amended	https://perma.cc/8QRH-2BHG (original), https://perma.cc/8ZN2-ATHD (English translation, updated through Mar. 25, 2022)
		Urheberrechtsgesetz [UrhG], Sept. 9, 1965, BGBl. I at 1273, as amended	https://perma.cc/4K83-EP3X (original), https://perma.cc/U4BW-VTW7 (English translation)
		Zivilprozessordnung [ZPO], Dec. 5, 2005, BGBl. I at 3202; 2006 BGBl. I at 431; 2007 BGBl. I at 1781, as amended	https://perma.cc/MUD5-2Z95 (original), https://perma.cc/TR4G-TK87 (English translation, updated through Oct. 5, 2021)
	Ordinance	Verordnung über befugte Stellen nach dem Urheberrechtsgesetz [UrhGBefStV], Dec. 8, 2018, BGBl. I at 2423	https://perma.cc/C6ZY-ZF2N
		Verordnung zum Barrierefreiheitsstärkungsgesetz [BFSGV], June 15, 2022, BGBl. I at 928	https://perma.cc/V75Y-4MKV
India	Constitution	Constitution of India	https://perma.cc/8JMR-AB7F
	Statute	Legal Services Authorities Act, 1987	https://perma.cc/G792-D2NV

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		National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999	https://perma.cc/2NH8-PBAP
		Rehabilitation Council of India Act, 1992	https://perma.cc/F4Q7-U93U
		Rights of Persons with Disabilities Act, 2016	https://perma.cc/HA47-B6HP
	Regulation	Rights of Persons with Disabilities Rules, 2017, Gazette of India pt. II (June 15, 2017)	https://perma.cc/GF9J-ZKRL
Israel	Basic Law	Basic Law: Human Dignity and Liberty, SH 5752, No. 1391, p. 150, as amended	https://perma.cc/9UUS-Y97V
		Basic Law: Freedom of Occupation, SH 5754 No. 1454, p. 90, as amended	https://perma.cc/U6JJ-TRHE
	Statute	Equal Rights for People with Disabilities Law, 5758-1998, as amended, §2, Nevo Legal Database, (in Hebrew, by subscription).	https://perma.cc/TX68-DVG7
	Regulations	Equal Rights for People with Disabilities (Service Accessibility Adjustments) Regulations, 5773-2013, KT 5773 No. 7240 p. 968, as amended, available at Nevo, https://perma.cc/K23A-WF5P (in Hebrew, by subscription).	https://perma.cc/K23A-WF5P
Italy	Constitution	Costituzione della Repubblica Italiana	https://perma.cc/TYV3-2YFG (in Italian); https://perma.cc/3Y5G-RC9P (English translation)
	Law	Codice Civile, Regio Decreto 16 marzo 1942 (updated through Aug. 8, 2024)	https://perma.cc/TT5J-KLLR
		Legge 1 marzo 2006, n. 67 Misure per la Tutela Giudiziaria delle Persone con Disabilita' Vittime di Discriminazioni	https://perma.cc/2675-3FH5

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		Legge 13 luglio 2015, n. 107 Riforma del Sistema Nazionale di Istruzione e Formazione e Delega per il Riordino delle Disposizioni Legislative Vigenti	https://perma.cc/SAQ2-UDY2
		Legge 22 aprile 1941, n. 633 Protezione del Diritto d'Autore e di Altri Diritti Connessi al Suo Esercizio	https://perma.cc/F2FR-AY3V
		Legge 22 dicembre 2021, n. 227 Delega al Governo in Materia di Disabilita'	https://perma.cc/CPQ3-3UST
		Legge 23 dicembre 1978, n. 833 Istituzione del Servizio Sanitario Nazionale	https://perma.cc/BYS2-425J
		Legge 24 giugno 2010, n. 107, Misure per il Riconoscimento dei Diritti delle Persone Sordocieche	https://perma.cc/M5ZG-PZWX
		Legge 3 marzo 2009, n. 18 Ratifica ed Esecuzione della Convenzione delle Nazioni Unite sui Diritti delle Persone con Disabilità, con Protocollo Opzionale, fatta a New York il 13 Dicembre 2006 e Istituzione dell'Osservatorio Nazionale sulla Condizione delle Persone con Disabilità	https://perma.cc/CWS8-CNVC
		Legge 5 febbraio 1992, n. 104, Legge-quadro per l'Assistenza, l'Integrazione Sociale e i Diritti delle Persone Handicappate	https://perma.cc/UW4X-PA5R
		Legge 9 agosto 2013, n. 99 Conversione in Legge, con Modificazioni, del Decreto-Legge 28 giugno 2013, n. 76, recante Primi Interventi Urgenti per la Promozione dell'Occupazione, in Particolare Giovanile,	https://perma.cc/EFR3-DBFY

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		della Coesione Sociale, nonche' in materia di Imposta sul Valore Aggiunto (IVA) e Altre Misure Finanziarie Urgenti	
		Legge 9 gennaio 2004, n. 6 Introduzione nel Libro Primo, Titolo XII, del Codice Civile del Capo I, relativo all'Istituzione dell'Amministrazione di Sostegno e Modifica degli Articoli 388, 414, 417, 418, 424, 426, 427 e 429 del Codice Civile in materia di Interdizioni e di Inabilitazione, nonche' relative Norme di Attuazione, di Coordinamento e Finali	https://perma.cc/6GLN-KPSL
	Legislative Decree	Decreto Legislativo 9 luglio 2003, n. 216 Attuazione della Direttiva 2000/78/CE per la Parita' di Trattamento in Materia di Occupazione e di Condizioni di Lavoro	https://perma.cc/A7DA-9USB
Japan	Constitution	Constitution of Japan (1946)	https://perma.cc/3Y8U-CL9S
	Statute	Act for Eliminating Discrimination against Persons with Disabilities, Act No. 65 of 2013, amended by Act No. 56 of 2021	https://perma.cc/R2DS-U92H
		Act on Advancement of Facilitation Program for Disabled Persons' Use of Telecommunications and Broadcasting Services, with a View to Enhance Convenience of Disabled Persons, Act No. 54 of 1993, amended by Act No. 65 of 2010	https://perma.cc/KC3V-LVHN
		Act on Assistance Dogs for Physically Disabled Persons, Act No. 49 of 2002, amended by Act No. 28 of 2020	https://perma.cc/3GP5-559R

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		Act on Encouragement for Children's Attendance at School for Special Needs Education, Act No. 144 of 1954, amended by Act No. 47 of 2016	https://perma.cc/PN25-QQRW
		Act on Mental Health and Welfare for Persons with Mental Disorders or Disabilities, Act No. 123 of 1950, amended by Act No. 104 of 2020	https://perma.cc/82GG-654B
		Act on Promotion of Cultural and Artistic Activities for People with Disabilities, Act No. 47 of 2018	https://perma.cc/ZZZ7-7PRN
		Act on Promotion of Improvement of Reading Environment for Visually Impaired Persons, Act No. 49 of 2018	https://perma.cc/6BMJ-QFPM
		Act on Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities, Act No. 50 of 2022	https://perma.cc/62RA-WQM6
		Act on Promotion of Procurement of Goods from Employment Facilities for Persons with Disabilities by the State, etc., Act No. 50 of 2012, amended by Act No. 104 of 2022	https://perma.cc/VFR2-N8RA
		Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc., Act No. 91 of 2006, as amended by Act No. 53 of 2024	https://perma.cc/C34S-8RG4
		Act on Providing Comprehensive Support for the Daily Life and Life in Society of	https://perma.cc/7J4E-RHLR

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		Persons with Disabilities, Act No. 123 of 2005, amended by Act No. 104 of 2022	
		Act on School Lunch Program for Kindergarten and High School of Special Needs Schools, Act No. 118 of 1957, amended by Act No. 73 of 2008	https://perma.cc/6ZJW-BW9N
		Act on Special Child Rearing Allowance, Act No. 134 of 1964, as amended by Act No. 37 of 2016	https://perma.cc/26RE-EUTN
		Act on Support for Persons with Developmental Disabilities, Act No. 167 of 2004, amended by Act No. 64 of 2016	https://perma.cc/69GQ-PQBP
		Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers, Act No. 79 of 2011	https://perma.cc/HKJ3-ZDWL
		Act on the Promotion of Research, Development and Dissemination of Social Welfare Equipment, Act No. 38 of 1993, Amended by Act No.64 of 2014	https://perma.cc/SBC3-3Z2G
		Act on Welfare of the Intellectually Disabled, Act No. 37 of 1960, amended by Act No. 104 of 2022	https://perma.cc/K93C-XGBN
		Act on Welfare of the Physically Disabled, Act No. 283 of 1949, amended by Act No. 104 of 2022	https://perma.cc/EM37-2XZT
		Act to Facilitate the Employment of Persons with Disabilities, Act No. 123 of 1960, amended by Act No. 21 of 2023	https://perma.cc/8LV6-3SH6

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		Basic Act for Persons with Disabilities, Act No. 84 of 1970, as amended by Act No. 65 of 2013	https://perma.cc/AV8K-XQ9R
		Employees' Pension Insurance Act], Act No. 115 of 1954, as amended by Act No. 52 of 2024	https://perma.cc/YFX3-DGBS
		National Pension Act], Act No. 141 of 1959, amended by Act No. 52 of 2024	https://perma.cc/SKG9-AEH7
	Regulation	Enforce Order of Act to Facilitate the Employment of Persons with Disabilities, Cabinet Order No. 292 of 1960, amended by Order No. 239 of 2023	https://perma.cc/7W9Y-2R99
Kenya	Constitution	Constitution of Kenya, 2010	https://perma.cc/TF9W-LNRB
	Statute	Access to Information Act (Sept. 21, 2016)	https://perma.cc/P936-EUSZ
		Basic Education Act (Jan. 25, 2013)	https://perma.cc/Y7RL-WY56
		Children Act (July 26, 2022)	https://perma.cc/7VSD-YZUL
		Civil Procedure Act (Jan. 31, 1924)	https://perma.cc/8Z8L-FVAQ
		Counter-trafficking in Persons Act (Oct. 1, 2012)	https://perma.cc/682A-C3WF
		County Assembly Service Act (July 27, 2017)	https://perma.cc/SE3M-YS46
		County Government Act (Mar. 9, 2013)	https://perma.cc/SN3S-HMR9
		Criminal Procedure Code (Aug. 1, 1930)	https://perma.cc/LM7T-5B7Z
		Data Protection Act (Nov. 25, 2019)	https://perma.cc/XCX3-Z7TL
		Elections Act (Dec. 2, 2011)	https://perma.cc/PF92-68JT
		Employment Act (June 2, 2008)	https://perma.cc/784V-DBCQ
		Evidence Act (Dec. 8, 1963)	https://perma.cc/38HS-P2RN
Health Act (July 7, 2017)	https://perma.cc/PHN6-32N8		

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		HIV and AIDS Prevention and Control Act (Dec. 30, 2006)	https://perma.cc/6A3U-QSLJ
		Intergovernmental Relations Act (Mar. 9, 2013)	https://perma.cc/LL6C-R8FV
		Kenya Citizenship and Immigration Act (Aug. 30, 2011)	https://perma.cc/RR6A-PTY8
		Kenya National Commission Human Rights Act (Aug. 30, 2011)	https://perma.cc/3B8T-JV4N
		Kenya Society for the Blind Act (Oct. 18, 1956)	https://perma.cc/UAK8-DYZ4
		Law of Succession Act (July 1, 1981)	https://perma.cc/6NCU-3CZU
		Marriage Act (May 20, 2014)	https://perma.cc/Y582-P2PN
		Mental Health Act (May 1, 1991)	https://perma.cc/PZ8Y-D3HA
		National Employment Authority Act (Apr. 21, 2016)	https://perma.cc/EHT7-ZPRQ
		National Gender and Equality Commission Act (Aug. 30, 2011)	https://perma.cc/EBZ7-XAAE
		National Social Security Fund Act (Jan. 10, 2014)	https://perma.cc/J424-FM5D
		Penal Code (Aug. 1, 1930)	https://perma.cc/T4PG-8C6T
		Persons Deprived of Liberty Act (Jan. 15, 2015)	https://perma.cc/ANE2-H26T
		Persons with Disabilities Act (June 16, 2004) (amended through 2022)	https://perma.cc/2CB5-K9A3
		Public Finance Management Act (Aug. 27, 2012)	https://perma.cc/J963-LPFH
		Public Procurement and Asset Disposal Act (Jan. 7, 2016)	https://perma.cc/S4CE-MV3K

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Jurisdiction	Type of Law	Citation	URL
		Public Service (Values and Principles) Act (June 4, 2015)	https://perma.cc/92WE-R4YS
		Sexual Offences Act (July 21, 2006)	https://perma.cc/CX6J-NJEV
		Social Assistance Act (Jan. 25, 2013)	https://perma.cc/587P-R3PS
		Social Health Insurance Act (Nov. 22, 2023)	https://perma.cc/ZRN7-U4G6
		Traffic Act (Jan. 1, 1954)	https://perma.cc/6EEF-7J49
		Trust of Land Act (Dec. 22, 1941)	https://perma.cc/2U5K-28KA
		Trustees (Perpetual Succession) Act (May 31, 1923)	https://perma.cc/ZPS8-UV89
		Victim Protection Act (Oct. 3, 2014)	https://perma.cc/PQ6D-659M
		Witness Protection Act (Sept. 1, 2008)	https://perma.cc/3Q42-PS3G
		Work Injury Benefits Act (June 2, 2008)	https://perma.cc/FN47-KR4E
	Regulation	Persons with Disabilities (Cost, Care, Support and Maintenance) Regulations	https://perma.cc/P7PW-546H
	Rules	Civil Procedure Rules (Sept. 17, 2010)	https://perma.cc/37SL-HAX3
		Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules (July 12, 2013)	https://perma.cc/7NHJ-QW7N
	Order	Persons with Disabilities (Income Tax Deductions and Exemptions) Order (Apr. 1, 2010)	https://perma.cc/BEG3-4HYT
	Standing Orders	National Assembly Standing Orders (6th ed., June 7, 2022)	https://perma.cc/8FHH-RDW5
Senate Standing Orders (Mar. 23, 2023)		https://perma.cc/7P3V-M7T7	
Malta	Constitution	Constitution of Malta	https://perma.cc/33AQ-J5HD
	Statute	Copyright Act, cap. 415	https://perma.cc/Z4DR-R3RQ

Jurisdiction	Type of Law	Citation	URL	
		Equal Opportunities (Persons with Disability) (Amendment) Act 2021, No 58/2021	https://perma.cc/HA7J-FPEA	
		Equal Opportunities (Persons with Disability) Act 2000, cap. 413	https://perma.cc/U6KJ-3DLN	
		United Nations Convention on the Rights of Persons with Disabilities Act, cap. 627	https://perma.cc/UT9A-AP6X	
	Subsidiary Legislation	Accessibility Measures (European Accessibility Act) Regulations, SL 627.03	https://perma.cc/Z3RX-9X9G	
		Equal Treatment in Employment Regulations, SL 452.95	https://perma.cc/5TYL-GWPL	
		Equal Treatment of Persons, SL 460/15	https://perma.cc/Y55U-HY7G	
		Permitted Use of Certain Works and Other Subject Matter Protected by Copyright and Related Rights for the Benefit of Persons who are Blind, Visually Impaired or Otherwise Print-Disabled Order, SL 460.36	https://perma.cc/ETY8-P45Q	
		Websites and Mobile Applications of Public Sector Bodies Regulations, SL 418.03	https://perma.cc/8H6A-K5X8	
	New Zealand	Statute	Copyright (Marrakesh Treaty Implementation) Amendment Act 2019	https://perma.cc/KH89-F8Y7
			Human Rights Act 1993	https://perma.cc/HU2A-DGSL
New Zealand Bill of Rights Act 1990			https://perma.cc/XW4D-H6ZS	
New Zealand Sign Language Act 2006			https://perma.cc/GP66-KY85	
Norway	Constitution	Grunnloven [Norwegian Constitution](LOV 1814-05-17)	https://perma.cc/CHB6-T6CL	
	Statute	Lov om Domstolene (Domstolsloven) (LOV-1915-08-13-5)	https://perma.cc/YB8C-TUAE	

Jurisdiction	Type of Law	Citation	URL
		Lov om Likestilling og Forbud mot Diskriminering (Likestillings- og Diskrimineringsloven)[Act on Equality and Prohibition on Discrimination (Equality and Discrimination Act)] (LOV-2017-06-16-51)	https://perma.cc/TRN7-4HJW
		Lov om Opphavsrett til Åndsverk mv. (åndsverkloven)[Copyright Act]	https://perma.cc/NYT8-YZAU
Portugal	Constitution	Constituição da República Portuguesa, VII Revisão Constitucional (2005)	https://perma.cc/N74U-6GKF
	Statute	Código de Processo Penal, Decreto-Lei No. 78/87, de 17 de Fevereiro	https://perma.cc/EG2P-2VSH
		Decreto do Presidente da República No. 71/2009, de 30 de Julho	https://perma.cc/8RKN-PPCZ
		Decreto-Lei No. 118/1999, de 14 de Abril	https://perma.cc/UP5D-9N25
		Decreto-Lei No. 129/2017, de 9 de Outubro	https://perma.cc/2B9V-MQ65
		Decreto-Lei No. 163/2006, de 8 de Agosto	https://perma.cc/7VST-DL6D
		Decreto-Lei No. 202/96, de 23 de Outubro, as amended by Decreto-Lei No. 291/2009, de 12 de Outubro	https://perma.cc/7PL6-5TKR
		Decreto-Lei No. 281/2009, de 6 de Outubro	https://perma.cc/D3Y6-M8ZT
		Decreto-Lei No. 29/2001, de 3 de Fevereiro	https://perma.cc/442V-QXF4
		Decreto-Lei No. 290/2009, de 12 de Outubro	https://perma.cc/3R43-K8UM
		Decreto-Lei No. 58/2016, de 29 de Agosto	https://perma.cc/EU46-QCVP
		Decreto-Lei No. 83/2018, de 19 de Outubro	https://perma.cc/N8J8-RW87
		Lei No. 38/2004, de 18 de Agosto	https://perma.cc/W42E-382U
		Lei No. 4/2019, de 10 de Janeiro	https://perma.cc/LA76-427Z
		Lei No. 46/2006, de 28 de Agosto	https://perma.cc/T9DW-3ZJG
Lei No. 71/2019, de 2 de Setembro	https://perma.cc/F4JX-7UCD		

Jurisdiction	Type of Law	Citation	URL	
		Lei No. 92/2019, de 4 de Setembro	https://perma.cc/VQB5-YNTJ	
		Resolução da Assembleia da República No. 56/2009, de 30 de Julho	https://perma.cc/47RU-TBDC	
	Regulation	Resolução do Conselho de Ministros No. 68/2014, de 21 de Novembro	https://perma.cc/V74C-CQMX	
Russia Federation	Constitution	Constitution of the Russian Federation with amendments of July 1, 2020	https://perma.cc/SAF4-MHHR	
	Statute	Federal Law of Dec. 5, 2017, on Russia's accession to Marrakesh Treaty to Facilitate Access to Published Works for Visually Impaired Persons	https://perma.cc/QKX2-R5NC	
		Federal Law of July 17, 1999, No. 178-FZ, on State Social Assistance	https://perma.cc/X6LR-T9PK	
		Federal Law of May 3, 2012, No. 46-FZ, on Ratification of the Convention on the Rights of Persons with Disabilities	https://perma.cc/A5BJ-SWKZ	
		Federal Law of November 21, 2011, No. 324-FZ, on Free Legal Assistance	https://perma.cc/SMP7-JUE4	
		Federal Law on Education, No. 273-FZ	https://perma.cc/D77N-6GPS	
		Federal Law on Social Protection of Disabled Persons in the Russian Federation, No. 181-FZ of Nov. 24, 1995	https://perma.cc/T2K9-MV25	
		Labor Code of Dec. 30, 2001, Law No. 197-FZ	https://perma.cc/NT7C-53QU	
		Resolution	Resolution of the Government of the Russian Federation of April 5, 2022, No. 588, on Recognizing a Person as Disabled	https://perma.cc/58DR-GH6H

Jurisdiction	Type of Law	Citation	URL
	Order	Judicial Department of the Supreme Court, No. 406, of December 31, 2015, the Regulations for Ensuring Accessibility Conditions for Disabled Persons in the Facilities of Federal Courts of General Jurisdiction, Federal Arbitration Courts, and the Judicial Department of the Supreme Court of the Russian Federation	https://perma.cc/GW4X-8CRU
Saint Vincent and the Grenadines	Constitution	Constitution of Saint Vincent and the Grenadines, Statutory Instruments No. 916 (1979)	https://perma.cc/93FD-27AT
	Amendment Act	Copyright (Amendment) Act No. 20 (2018), Chapter 311	https://perma.cc/6E2V-C3BT
Saudi Arabia	Royal Decree	Royal Decree No. M/27 of 11/2/1445 Hijri promulgating Cabinet Resolution No. 110 of 6/2/1445 (August 22, 2023)	https://perma.cc/JR94-G9RN
South Korea	Constitution	Constitution of the Republic of Korea, Constitution No. 10, Oct. 29, 1987	https://perma.cc/RNP6-97RF
	Statute	Library Act, Act No. 4746, Mar. 24, 1994, amended by Act No. 19592, Aug. 8, 2023	https://perma.cc/JKW6-WUZX
		Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, Act No. 13661, Dec. 29, 2015, amended by Act No. 19301, Mar. 28, 2023	https://perma.cc/KL8D-ZEA9
		Act on Activity Assistant Services for Persons with Disabilities, Act No. 10426, Jan. 4, 2011, amended by Act No. 18901, June 10, 2022	https://perma.cc/8V3J-3ZSM

Jurisdiction	Type of Law	Citation	URL
		Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities, Act No. 13661, Dec. 29, 2015, amended by Act No. 19301, Mar. 28, 2023	https://perma.cc/KL8D-ZEA9
		Act on Promotion of Convenience for the Disabled, Senior Citizens, and Pregnant Women, Act No. 5332, Apr. 10, 1997, amended by Act No. 18219, June 8, 2021	https://perma.cc/K2GS-T7ZF
		Act on Protection of Rights and Support for Persons with Developmental Disabilities, Act No. 12618, May 20, 2014, amended by Act No. 19649, Aug. 16, 2023	https://perma.cc/H44M-538G
		Act on Special Education for Persons with Disabilities, Act No. 8852, Feb. 29, 2008, amended by Act No. 18992, Oct. 18, 2022	https://perma.cc/6WAQ-6TFV
		Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities, Act No. 8491, May 25, 2007, amended by Act No. 18754, Jan. 11, 2022	https://perma.cc/8UW7-FMSX
		Act on the Facilitation of Entrepreneurial Activities of Persons with Disabilities, Act No. 7632, July 29, 2005, amended by Act No. 19017, Oct. 18, 2022	https://perma.cc/G8TR-J3PN
		Act on the Prohibition of Discrimination Against Persons with Disabilities and Remedy Against Infringement of Their Rights, Act No. 8341, Apr. 10, 2007, amended by Act No. 17792, Dec. 29, 2020	https://perma.cc/3G77-HUYR

Jurisdiction	Type of Law	Citation	URL
		Act on the Support for Cultural and Artistic Activities of Artists with Disabilities, Act No. 17415, June 9, 2020, amended by Act No. 18987, Sept. 27, 2022	https://perma.cc/D3KP-7NP9
		Act on the Support for Housing Disadvantaged Persons Including Persons with Disabilities and the Aged, Act No. 11370, Feb. 22, 2012, amended by Act No. 19389, Apr. 18, 2023	https://perma.cc/N2XB-4X75
		Act on Welfare of Persons with Disabilities, Act No. 8367, Apr. 11, 2007, amended by Act No. 19303, Mar. 28, 2023	https://perma.cc/SFA5-BZND
		Act on Welfare Support for Children with Disabilities, Act No. 11009, Aug. 4, 2011, amended by Act No. 19300, Mar. 28, 2023	https://perma.cc/X3HA-AQCP
		Disability Pension Act, Act No. 16761, Dec. 10, 2019, amended by Act No. 16869, Jan. 21, 2020	https://perma.cc/DK5P-VQQT
		Special Act on the Preferential Purchase of Products Manufactured by Persons with Severe Disabilities, Act No. 8945, Mar. 21, 2008, amended by Act No. 19228, Mar. 4, 2023	https://perma.cc/6DFV-G5RW
	Regulation	Enforcement Decree of APDPD, Presidential Decree No. 33367, Mar. 30, 2023	https://perma.cc/SY84-PP84
		Enforcement Decree of the Act on the Employment Promotion and Vocational Rehabilitation of Persons with Disabilities, Presidential Decree No. 20308, Oct. 4, 2007,	https://perma.cc/Y3GP-G2L5

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		amended by Presidential Decree No. 34533, May 28, 2024	
Spain	Constitution	La Constitución Española de 1978	https://perma.cc/V6NG-X8NH
	Law	Ley 26/2011 de Adaptación Normativa a la Convención Internacional Sobre los Derechos de las Personas con Discapacidad	https://perma.cc/SJ7B-3CLA
		Ley 27/2007, de 23 de Octubre, por la que se Reconocen las Lenguas de Signos Españolas y se Regulan los Medios de Apoyo a la Comunicación Oral de las Personas con Discapacidad Auditiva y Sordociegas	https://perma.cc/T6ZS-QLG6
		Ley 39/2006 de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia	https://perma.cc/QXV3-BEXK
		Ley 4/2017, de 28 de junio, de Modificación de la Ley 15/2015, de 2 de julio, de la Jurisdicción Voluntaria	https://perma.cc/X8UE-Z4DS
		Ley 41/2003, de 18 de noviembre, de Protección Patrimonial de las Personas con Discapacidad y de Modificación del Código Civil, de la Ley de Enjuiciamiento Civil y de la Normativa Tributaria con esta Finalidad	https://perma.cc/P53U-NRF7
		Ley 8/2021, de 2 de junio, Reforma a la Legislación Civil y Procesal para el Apoyo a las Personas con Discapacidad en el Ejercicio de su Capacidad Jurídica	https://perma.cc/U7TU-8J6S
		Royal Decree	Real Decreto 1051/2013, de 27 de Diciembre, por el que se Regulan las Prestaciones del Sistema para la Autonomía

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		y Atención a la Dependencia, Establecidas en la Ley 39/2006, de 14 de Diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia (Modificado por Real Decreto 291/2015, de 17 de abril)	
		Real Decreto 1112/2018, de 7 de Septiembre, sobre Accesibilidad de los Sitios Web y Aplicaciones para Dispositivos Móviles del Sector Público	https://perma.cc/5M6R-7PSM
		Real Decreto 1494/2007, de 12 de Noviembre, por el que se Aprueba el Reglamento sobre las Condiciones Básicas para el Acceso de las Personas con Discapacidad a las Tecnologías, Productos y Servicios Relacionados con la Sociedad de la Información y Medios de Comunicación Social	https://perma.cc/7V7V-M5TM
		Real Decreto 1544/2007, de 23 de Noviembre, por el que se Regulan las Condiciones Básicas de Accesibilidad y No Discriminación para el Acceso y Utilización de los Modos de Transporte para Personas con Discapacidad	https://perma.cc/X8Z7-EAV7
		Real Decreto 173/2010, de 19 de Febrero, por el que se Modifica el Código Técnico de la Edificación, Aprobado por el Real Decreto 314/2006, de 17 de marzo, en materia de	https://perma.cc/86HP-CGYR

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		Accesibilidad y No Discriminación de las Personas con Discapacidad	
		Real Decreto 174/2011, de 11 de Febrero, por el que se Aprueba el Baremo de Valoración de la Situación de Dependencia Establecido por la Ley 39/2006, de 14 de Diciembre, de Promoción de la Autonomía Personal y Atención a las Personas en Situación de Dependencia	https://perma.cc/KPA4-VH8E
		Real Decreto 1971/1999, de 23 de Diciembre, de Procedimiento para el Reconocimiento, Declaración y Calificación del Grado de Minusvalía	https://perma.cc/2JG7-DCCF
		Real Decreto 314/2006, de 17 de Marzo, por el que se Aprueba el Código Técnico de la Edificación	https://perma.cc/96DZ-LUAW
		Real Decreto 366/2007, de 16 de Marzo, por el que se Establecen las Condiciones de Accesibilidad y No Discriminación de las Personas con Discapacidad en sus Relaciones con la Administración General del Estado	https://perma.cc/5A3T-64PM
		Real Decreto 505/2007, de 20 de Abril, por el que se Aprueban las Condiciones Básicas de Accesibilidad y No Discriminación de las Personas con Discapacidad para el Acceso y Utilización de los Espacios Públicos Urbanizados y Edificaciones	https://perma.cc/8YDV-566N

Jurisdiction	Type of Law	Citation	URL
		Real Decreto 537/2019, de 20 de Septiembre, por el que se Modifica el Real Decreto 1544/2007, de 23 de Noviembre, por el que se Regulan las Condiciones Básicas de Accesibilidad y No Discriminación	https://perma.cc/U2ZN-JKV5
	Royal Legislative Decree	Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de Derechos de las Personas con Discapacidad y de su Inclusión Social	https://perma.cc/3387-7PD5
	Administrative Regulation	Orden VIV/561/2010, de 1 de Febrero, por la que se Desarrolla el Documento Técnico de Condiciones Básicas de Accesibilidad y No Discriminación para el Acceso y Utilización de los Espacios Públicos Urbanizados	https://perma.cc/GP2J-JVNQ
Switzerland	Constitution	Bundesverfassung [BV], Apr. 18, 1999, Systematische Rechtssammlung [SR] 101, as amended	https://perma.cc/W38Q-M248 (original), https://perma.cc/P7YW-MW4D (English translation)
	Statute	Behindertengleichstellungsgesetz [BehiG], Dec. 13, 2002, SR 151.3, as amended	https://perma.cc/UU7V-KMCU (original), https://perma.cc/D827-EZ5Q (English translation)
		Bundesgesetz über die Berufsbildung [BBG], Dec. 13, 2002, SR 421.10, as amended	https://perma.cc/M4TE-HJV2
		Bundesgesetz über die Institutionen zur Förderung der Eingliederung von invaliden Personen [IFEG], Oct. 6, 2006, SR 831.26, as amended	https://perma.cc/GFZ6-2247

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		Bundesgesetz über die Invalidenversicherung [IVG], June 19, 1959, SR 831.20, as amended	https://perma.cc/AB7W-GY3R
		Bundesgesetz über Radio und Fernsehen [RTVG], Mar. 24, 2006, SR 784.40, as amended	https://perma.cc/VQ3X-A4HJ (original), https://perma.cc/VQV4-5H4W (English translation)
		Fernmeldegesetz [FMG], Apr. 30, 1997, SR 784.10, as amended	https://perma.cc/495F-XTUN (original), https://perma.cc/ST5K-9JQK (English translation)
		Schweizerische Strafprozessordnung [StPO], Oct. 5, 2007, SR 312.0, as amended	https://perma.cc/Q6XJ-6TQG (original), https://perma.cc/RU3A-7P8J (English translation)
		Schweizerische Zivilprozessordnung [ZPO], Dec. 19, 2008, SR 272, as amended	https://perma.cc/LQ8K-XLHQ (original), https://perma.cc/L9TK-4VX9 (English translation)
		Schweizerisches Zivilgesetzbuch [ZGB], Dec. 10, 1907, SR 210, as amended	https://perma.cc/V4Z3-DKPR (original), https://perma.cc/J76W-M6YM (English translation)
		Urheberrechtsgesetz [URG], Oct. 9, 1992, SR 231.1, as amended	https://perma.cc/4386-WJNJ (original), https://perma.cc/2TCA-NHHW (English translation)
	Ordinance	Behindertengleichstellungsverordnung [BehiV], Nov. 19, 2003, SR 151.31, as amended	https://perma.cc/S87E-EW8V
		Behindertengleichstellungsverordnung [BehiV], Nov. 19, 2003, SR 151.31, as amended	https://perma.cc/S87E-EW8V

Jurisdiction	Type of Law	Citation	URL
		Verordnung des UVEK über die technischen Anforderungen an die behindertengerechte Gestaltung des öffentlichen Verkehrs [VaböV], Mar. 23, 2016, SR 151.342, as amended	https://perma.cc/ASV7-V42K
		Verordnung über die behindertengerechte Gestaltung des öffentlichen Verkehrs [VböV], Nov. 12, 2003, SR 151.34, as amended	https://perma.cc/8CAU-Y52M
Taiwan	Constitution	Constitution of the Republic of China	https://perma.cc/U4Y7-7TCB (in Chinese), https://perma.cc/CU48-XCL5 (English Translation)
		Additional Articles of the Constitution of the Republic of China	https://perma.cc/F5BM-MSRP (in Chinese), https://perma.cc/PD6B-F4GC (English translation)
	Statute	Act to Implement the Convention on the Rights of Persons with Disabilities	https://perma.cc/BKF8-H56J (in Chinese), https://perma.cc/GJ6W-TRF6 (English translation)
		Administrative Litigation Act	https://perma.cc/GYT3-DMJ6 (in Chinese), https://perma.cc/6S74-4ZQJ (English translation)
		Code of Civil Procedure	https://perma.cc/K225-UPKY (in Chinese), https://perma.cc/FVN9-LE98 (English translation)
		Code of Criminal Procedure	https://perma.cc/GG8T-KTDP (in Chinese)
Copyright Act	https://perma.cc/XN4D-E3CD (in Chinese), https://perma.cc/U5ZB-TNAD (English translation)		

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		Early Childhood Education and Care Act	https://perma.cc/R3DF-35MN (in Chinese), https://perma.cc/XNY7-VS5S (English translation)
		Employment Service Act	https://perma.cc/69BM-B5JF (in Chinese), https://perma.cc/NGA2-WDAW (English translation)
		Indemnities Act for Military Personnel	https://perma.cc/CC9A-W9EQ (in Chinese), https://perma.cc/F4BS-9VXJ (English translation)
		Legal Aid Act	https://perma.cc/GTU8-R26F (in Chinese), https://perma.cc/3LXX-BZV5 (English translation)
		Library Act	https://perma.cc/CBB4-MUAR (in Chinese), https://perma.cc/GB35-JBUM (English translation)
		Organization Act of the Legislative Yuan	https://perma.cc/3RWL-M2AT (in Chinese)
		People with Disabilities Rights Protection Act	https://perma.cc/VXP3-F9NH (in Chinese), https://perma.cc/RR73-SYDU (English translation)
		Police Personnel Management Act	https://perma.cc/PE42-5ZZT (in Chinese), https://perma.cc/SHM3-2XUW (English translation)
		Public Television Act	https://perma.cc/N8AL-LQU5 (in Chinese), https://perma.cc/6QDW-CKRN (English translation)

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		The Protection of Children and Youths Welfare and Rights Act	https://perma.cc/C752-7ADN (in Chinese), https://perma.cc/3US7-6EDT (English translation)
		The Special Education Act	https://perma.cc/U3JS-VXED (in Chinese), https://perma.cc/3JCA-DNH8 (English translation)
	Regulation	Enforcement Rules of the Museum Act	https://perma.cc/QS3K-67M3 (in Chinese)
		Regulations for Utilizing Digitized Library Resources by People with Disabilities	https://perma.cc/8WSS-BYR9 (in Chinese)
		Regulations on the Collection, Transfer, Provision, and Technical Specifications of Special Versions of Library Resources for Special Readers	https://perma.cc/227M-MYCB (in Chinese)