UN Convention on the Rights of Persons with Disabilities (UNCRPD) & Accessibility

Inmaculada Placencia Porrero
Member of the UN Committee on the Rights of Persons with Disabilities
tb-crpd-inmaculada.placencia@un.org

Content

- The UNCRPD
- The UNCRPD and Accessibility
- Accessibility concepts
- Example- Accessibility Act
- Conclusions

UN CRPD

December 2006: Adoption of the Un Convention on the Rights of Persons with Disabilities

The UNCRPD and OP into force on 3 May 2008 , (after the CRPD 20th ratification, and the OP10 ratifications)

Convention

Ratifications/Accessions: 194

Signatories*: 164

Optional Protocol

Ratifications/Accessions: 110

Signatories*: 95

To promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities, and to promote respect for their inherent dignity

THE HUMAN RIGHTS APPROACH

Civil and Political rights->immediate application
Economic, social and cultural rights-> progressive implementation

Persons 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** (Article 1 UN Convention on the rights of persons with disabilities)

"objects" of charity, *medical treatment and social protection*

Paradigm shift



"subjects" with rights, citizens, capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

Statistics

5 % Disability pensions

10-15% of the working age population (LFS)

15-20 % across all ages (SILC)

Strong correlation between disability and ageing

- 32 % people aged 55-64 report a disability
- 44 % people aged 65-74 report a disability
- 60 % people aged 75-84 report a disability
- 70 % people aged 85+ report a disability

Concept of disability

The UN Convention recognises that **disability** is an **evolving concept**

"Persons 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"

(Article 1 UN CRPD)

Access and Accessibility in the UN Convention on the Rights of Persons with Disabilities (UNCRPD)

- ***Article 3*** *Accessibility a* ***general principle of the UN CRPD***

- ***Article 9 Accessibility***
  State parties to undertake appropriate measures ***to ensure*** *to persons with disabilities* **access, on an equal basis with others**
- ***Article 4 General obligations***
  accessible information about mobility aids, devices and assistive technologies and new technologies, other forms of assistance, support services and facilities;
- ***Article 21 Freedom of expression and opinion, and access to information***
  Information in accessible formats and accessible means. Services, including mass media and via Internet in accessible formats
- ***Articles, 27, 29, 30***

UN Convention art 9

Accessibility to:

- **the physical environment**
- **Transportation**
- **to information and communications,**
- **including information and communications technologies and systems & internet**
- **other facilities and services open or provided to the public, both in urban and in rural areas**

-standards and guidelines

-training for stakeholders

-Research and development

Concepts

Rights - >Non-discrimination -> ***equal access!!!!***

Accessibility

(following design for all)

+

reasonable accommodation

(assistive technologies assistance)

Accessibility

Accessibility is considered as a wide concept that includes the prevention and elimination of obstacles that pose problems for persons with disabilities in using products, services and infrastructures.

UNCRPD provide no definition!

Reasonable accommodation

UNCRPD

Article 2

"Reasonable accommodation" means 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”

Concepts: DFA - UD

UNCRPD art 2 "Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Design for all is more commonly used in Europe and other regions. It refers to designing mainstream products and services to be accessible by as broad a range of users as possible.

It can be achieved through one of three ways:

- a) by designing products, services and environments that are readily usable by most users without any modification;
- b) by making them adaptable to different users (adapting user interfaces); and
- c) by having standardized interfaces to be compatible with special products for people with disabilities.

Concepts

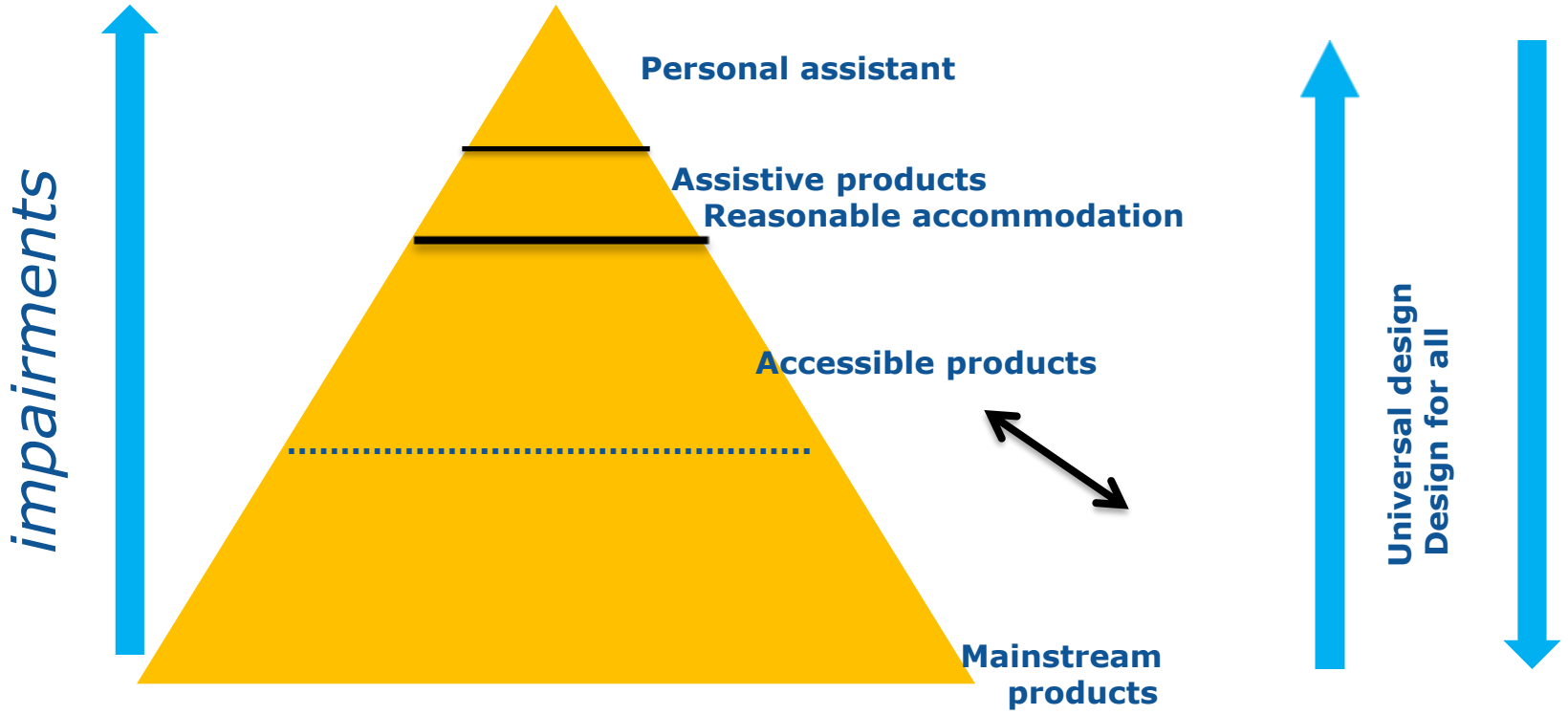
Accessibility

- **anticipatory manner (preventive, proactive)**
- **most common problems**
- **General group**
- **design and functioning of the product**
- **general guidelines or standards**
- **Link with discrimination**

Reasonable accommodation

- **Reactive**
- **Individual persons**
- **Particular problems**
- **Disproportionate burden**

Dynamic access



Diverging national approaches to accessibility legislation

- Different approaches: technical, discrimination, procurement
- Different material scope of the various legislations, built environment, ICT
- Different level of detail of legislation
- Different level of jurisdiction: national, regional, local

Accessibility obligations - EU ICT related legislation

- Accessibility obligations to economic operators
  - **European Accessibility Act**
  - **European Electronic Communications Code**
  - **Audio Visual Media Services Directive**
- Accessibility obligations to public authorities
  - **Web Accessibility Directive**
- Accessibility obligations in Public Procurement
  - **Public Procurement Directives**
- Accessibility obligations when using EU Funds
  - **Structural Funds regulations**
  - **Trans-European Networks**
  - **Common Implementing Regulation External Action and contract procedures**

What is covered in European Accessibility Act? Directive 2019/882

- Accessibility requirements for carefully selected products and services

- Same accessibility requirements to be used in other EU law (for example Public Procurement)

Products & services under EU accessibility Legislation

- Computers and operating systems
- ATMs, ticketing and check-in machines, payment terminals
- Telephones and smartphones
- TV equipment related to digital television services
- Telephony services and related equipment
- Audio-visual media services (AVMS) and related equipment
- Air, bus, rail and waterborne passenger transport services
- Banking services
- E-books
- E-commerce
- Online Public Services, websites and mobile apps
- Emergency calls

Key provisions for products and services

- **Accessibility obligations Free movement of products** and **services** meeting the accessibility requirements
- Obligations for **manufacturers, authorized representatives, importers, distributors**(Decision 768/2008)
- Obligations for **service providers**
- **CE** marking for products (Regulation 765/ 2008)
- **Self-declaration of conformity** (lightest option)
- **Market surveillance (compliance, safeguards) Authority responsible for compliance of services (check, safeguards)**

Other Key elements

-Standards and technical specification

-Enforcement and Penalties

-Timeline for implementation

-Report

Annexes:

- Annex I – accessibility requirements and Functional performance criteria
- Annex II – examples
- Annex III – accessibility requirements for built environment
- Annex IV – Conformity assessment of products
- Annex V- Information on services meeting accessibility requirements (general terms and conditions)
- Annex VI – Assessment of disproportionate burden

Commission Implementing Decision C(2022) 6456 final on a standardisation request to the European standardisation organisations (the ESOs) as regards the accessibility requirements of products and services in support of Directive (EU) 2019/882,

Issued in September 2022

Acceptance by ESOs October 2022

Next step Workplan

	Reference information	Deadline for the adoption by the ESOs
1.	EN 301 549 Accessibility requirements for ICT products and services	15 September 2025
2.	EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users	15 September 2025
3.	EN 17210 Accessibility and usability of the built environment - Functional requirements	15 September 2025

	Reference information	Deadline for the adoption by the ESOs
1.	Harmonised standard(s) setting up requirements on the accessibility of non-digital information related to products	15 March 2026
2.	Harmonised standard for the accessibility of support services related to products and services (help desks, call centres, technical support, relay services and training services).	15 March 2026
3.	Harmonised standard for the accessibility and interoperability of emergency communications and for the answering of emergency communications by the public safety answering point (PSAPs) (including to the single European Emergency number 112)	15 January 2027

Mandate 587

Commission Implementing Decision C(2022) 6456 final on a standardisation request to the European standardisation organisations (the ESOs) as regards the accessibility requirements of products and services in support of Directive (EU) 2019/882, Issued in September 2022

Table 1: List of new harmonised standards to be drafted and deadlines for their adoption Reference information Deadline for the adoption by the ESOs

1. Harmonised standard(s) setting up requirements on the accessibility of non-digital information related to products 15 March 2026

2. Harmonised standard for the accessibility of support services related to products and services (help desks, call centres, technical support, relay services 1 and training services)2 . 15 March 2026

3. Harmonised standard for the accessibility and interoperability of emergency communications and for the answering of emergency communications by the public safety answering point (PSAPs) (including to the single European Emergency number 112) 15 January 2027

Table 2: List of existing European standards to be revised and deadlines for their adoption as harmonised standards Reference information

1. EN 301 549 Accessibility requirements for ICT products and services 15 September 2025

2. EN 17161:2019 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users 15 September 2025

3. EN 17210 Accessibility and usability of the built environment - Functional requirements 15 September 2025

Conclusion: Accessibility Policy & legislation

-legal framework – Human Rights

-Sector (accessibility)<->non-discrimination (equal access)

-Clear responsibilities and details

-Adequate timeframe for implementation

-The role of Standardization – Research

-User involvement- technical expertise

-Enforcement and redress mechanisms

- **Complaints, improvement, compensation**

-The public sector (funding & procurement)

-The private sector (innovation & competition & compliance)

-Monitoring and protection, (complaints), (indicators)

- Training