



# Legal and Policy Instruments, Standards and Technical Specifications

*What are the tools we need?*



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# Accessibility – UN Standard Rule 5



- United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993)
  - Rule 5: Access to the physical environment:
    - States should initiate measures to remove the obstacles to participation in the physical environment. Such measures should be to **develop standards and guidelines** and to **consider enacting legislation** to ensure accessibility to various areas in society, such as housing, buildings, public transport services and other means of transportation, streets and other outdoor environments.
    - States should ensure that architects, construction engineers and others who are professionally involved in the design and construction of the physical environment have **access to adequate information on disability policy and measures to achieve accessibility**.
    - Accessibility requirements should be included in the design and construction of the physical environment **from the beginning of the designing process**.
    - Organizations of persons with disabilities should be **consulted** when standards and norms for accessibility are being developed. They should also be **involved locally** from the initial planning stage when public construction projects are being designed, thus ensuring maximum accessibility.



- p. 11 - § 3.1.1.:
  - “The Group stresses *that there are few studies – if any – which present a comprehensive and up-to-date overview of Member States’ legislation and practices (standards, guidelines,...).*”

# Human Rights Acts



- The European Convention on Human Rights, 1950.
  - Article 14: a right not to be discriminated against in the enjoyment of Convention rights
  - Protocol 12: a more general right to be free from discrimination
- The European Social Charter, 1996
  - Only in a limited number of signatory states.
- UN is working on a Convention dealing specifically with the Human Rights of disabled people
  - EC supports this work (COM (2003)16)

# Anti-Discrimination & Equal Treatment Acts



- Outside Europe:
  - ADA - The Americans with Disabilities Act (1990)
  - The Australian Disability Discrimination Act
- In Europe
  - The UK Disability Discrimination Act (DDA 1995, DDA 2005)
  - The EU Equal Treatment Directive (2000/78/CE)
    - Only in the context of employment and occupation
    - How is the situation in the EU Member States?
    - Austria 2005, Germany 2005, France 2005, Belgium 2003, ...
  - The Swiss Federal Law on Equal Opportunities for Disabled (2002)
    - As a consequence of it, the Swiss confederation, the cantons and the municipalities have to build and organize their constructions, installations, public transport facilities and their services in a way accessible to disabled. Also private organisations have these obligations if their buildings and installations are meant to be open to the public.
    - For accessibility of buildings it refers to SN 521 500.
  - The Belgian Federal Law on Anti-Discrimination (2003)
    - Broader context than the EU Directive
  - The German Bundesgleichstellungsgesetz
    - Zielvereinbarung – forcing negotiation

# Accessibility in Building Regulations



- Netherlands
  - Integral Accessibility in the Building Decree
- Luxemburg
  - The law of 29 March 2001 on the accessibility of spaces open to the public and the associated regulation of 23 november 2001 (mainly for public bodies)
- Germany
  - Model Building Code addresses barrier-free building (§50).
- Belgium
  - CWATUP (art. 414 and 415) in the Walloon Region
  - Title IV of the RRU in the Brussels Capital Region
  - The law of 1975 in the Flemish region and the Flemish government decision of 28 May 2004.
- UK
  - Part M of the Building Regulations

# Some Remarks on Accessibility Regulations



- Laws and regulations are often unknown.
- In most cases nearly no control on the execution
  - Imrie (2001) - « Evidence suggests that the enforcement of access directives is weak, with few countries having developed adequate monitoring and evaluation mechanisms and procedures. »
- In some cases requirements are out of date, and process to modernize is too slow.
- Too much focus on the wheelchair user.
- In too many cases « get-out clauses ».
- Focus on the entrance to the building and the building itself, but no attention for the environment around the building.

# Accessibility – Planning & Coordination



- EU COM (2003) 650
  - Equal Opportunities for People with Disabilities: A European Action Plan
- Spain (2003)
  - Specific action plan for people with disabilities (2004-2007)
  - Plan Nacional de Accesibilidad 2004-2012
  - A plan on employment for people with disabilities
- France, Loi 2005-102
  - "... la réalisation d'une réelle accessibilité."
  - A national conference on disability to follow up progress and delays.
  - A ministerial delegate for accessibility
- Sweden, National Action Plan on Disability Policies
- Denmark, Action Plan on Disability
- The Ontarians with Disabilities Act, 2001 (modified in 2005) requires Ontario government ministries and public sector organisations to prepare annual accessibility plans.
- The Flemish Focal Point on Accessibility and the Provincial Focal Points
  - Situated within social services of region/province
  - No power whatsoever with regard to other services situated at the same level.
  - Nearly all ministries deal with building

# Accessibility – Local involvement and policy



- Agenda 22
  - Policy and planning at the local level
- The VVSG guide for local municipality accessibility policy
  - Based upon voluntary initiatives
- Regional Governments involvement in federal states
  - In Spain through the different action plans
  - In Germany through Bauminister Conference and the Model Code definition
- Planning for Barrier-Free Municipalities in Ontario
  - Accessibility Plans and Advisory Committee
  - Interdepartemental Cooperation
  - Involving Community Groups and Municipal Accessibility Advisory Committees
  - Making the Accessibility Plan available to Municipal Staff and Developers

# Accessibility – Monitoring, Control & Follow-up



- Denmark:
  - The Danish Disability Council
  - The Danish Equal Opportunities Centre for Disabled Persons
  - The Folketing Ombudsman
  - The intercivil servant committee for the disability area
- UK:
  - Disability Rights Commission
  - National Register of Access Consultants

# National Standards



- SN 521 500 (1988) avec Guide (1993)
  - Construction adaptée aux personnes handicapées
- NEN 1814 (2001)
  - Accessibility of environment, buildings and dwellings
- DIN 18024-1 and 18024-2 (...)
  - Bauliche Massnahmen für behinderte und alte Menschen im öffentlichen Bereich
- ÖNORM B1600 (2005)
  - Building without Barriers – Design Principles.
- ÖNORM B1601 (2003)
  - Special Buildings for Disabled or Old Persons – Design Principles
- UNE 41500 (2001)
  - Accesibilidad en la edificación y el urbanismo
- BS 8300 (2001)
  - Design of buildings and their approaches to meet the needs of disabled people – Code of Practice

# European Standardisation



- prEN 15209 (March 2005)
  - Specification for Tactile Paving Surface Indicators
- EN 81-70 (2003) + A1 (2004)
  - Safety rules for the construction and installations of lifts. Particular applications for passenger and good passengers lifts - Part 70: Accessibility to lifts for persons including persons with disability.
- CEN/CENELEC Guide 6:
  - Guidelines for standards developers to address the needs of older persons and persons with disabilities
- CEN/BT WG157 "Accessibility for All"
  - To make proposals to CEN BT
  - Last meeting in February 2004

# International Standardisation



- NBN ISO/TR9527:1994
  - Building Construction – Needs of disabled people in buildings – Design Guidelines.
- ISO/TC173/WG7 Working Draft ISO/WD 23599
  - Assistive products for persons with vision impairments – Tactile walking surface indicators
- ISO/TC59/SC16 ISO/CD 21542
  - Building construction — Accessibility and usability of the built environment

# Guidelines and Recommendations



- Too many to name them all:
  - The Singapore BCA Code on Barrier-Free Accessibility in Buildings
  - “Levenslang Wonen” – Ageing in Place
  - Guide des Normes, Luxemburg
  - Handboek Toegankelijkheid, the Netherlands
  - ADA Accessibility Guidelines for Buildings and Facilities
  - ...

# Certification, Labelling and Checklists



- The Netherlands
  - Woonkeur
- Belgium
  - L'indice Passe-Partout ©
  - L'indice ABCD©
  - L'indice PSIC©
- UK
  - Universal Accessibility Auditing
- Luxemburg – Belgium – Germany – Netherlands
  - EureWelcome – transnational label



## Tools and instruments – Do we need them?



- HR and AD legislation?
- Accessibility requirements in building regulations?
- Accessibility Planning and Coordination?
  - On the national, regional and local level?
- Accessibility Monitoring and Follow-up?
- National Standards? European? International?
- Guidelines and Recommendations?
- Certification? Labels? Checklists?