



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Facilitation Programmes

DISABILITY AND/OR REDUCED MOBILITY

(Presented by the Latin American Association of Air and Space Law - ALADA)

EXECUTIVE SUMMARY	
This study note presents a regulatory overview of disability applicable to international civil aviation. Action: The Assembly is invited to: a) propose that States that are not yet party to these international conventions on disability ratify them. b) promote State policies that allow persons with disabilities or reduced mobility to use air transport permanently. c) promote decisions by the private sector, whether airports or airlines, that aim to improve the quality of life in air transport.	
<i>Strategic Goals:</i>	This working paper relates to the Strategic Goal — <i>Aviation Delivers Seamless, Accessible and Reliable Mobility for All</i>
<i>Financial implications:</i>	
<i>References:</i>	Manual for the Transport of Passengers with Disabilities, CLAC Resolution A20-21 Convention on the Rights of Persons with Disabilities and its Optional Protocol Doc 9984, <i>Manual on Access to Air Transport by Persons with Disabilities</i> Annex 9 — <i>Facilitation</i> , 17th Edition, Chapter 8, Section H (Facilitation of the Transport of Persons with Disabilities). Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities American Convention on Human Rights (Pact of San José, Costa Rica) and additional Convention on Economic, Social and Cultural Rights, the "Protocol of San Salvador"

¹ Arabic, Chinese, English, French, Russian and Spanish versions provided by the Latin American Association of Air and Space Law (ALADA).

1. INTRODUCTION

1.1 In Latin America, vulnerability in passenger transportation is multidimensional: economic, environmental, and social. Therefore, it requires special attention. In this proposal, we will only focus on the air transportation of people with disabilities, broadening the spectrum to include people with mobility difficulties, those with a disability, or reduced mobility.

1.2 Disability is a deficiency of any kind—mental or physical, whether permanent or temporary—that a person suffers at some point in their life or at the time of traveling by plane.

1.3 Beyond the issue of legal capacity to reserve or purchase an airline ticket, a person with vulnerabilities or disabilities also enters into (or has someone virtually do so for them) the air transportation contract, selecting the route, date, fare class in which they travel, and their seat; and declaring their needs, taking into account their special needs.

2. STUDY NOTE OBJECTIVE

2.1 The objective of this study note is to present a survey of international regulations that would apply to air transport, complementing specific provisions, and to urge States to ratify them.

3. INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES, 1999

3.1 The fundamental objective is to eliminate discrimination, in all its forms and manifestations, against persons with disabilities and to promote their full integration into society.

3.2 It referred, among other measures, to measures to progressively eliminate discrimination and promote integration in relation to transportation.

3.3 This Convention has been ratified by Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, and Uruguay. Honduras and Venezuela (Bolivarian Republic of) have also signed it.

4. ADDITIONAL PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS IN THE RESPECT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS ("PROTOCOL OF SAN SALVADOR", 1988)

4.1 The Protocol obliges States to adopt measures for the protection of persons with disabilities. Article 18 (Protection of Disabled Persons) provides that every person affected by a reduction in their physical or mental capacities has the right to receive special care in order to achieve the full development of their personality. To this end, the States committed to adopting measures to this end.

4.2 The Protocol was ratified by Argentina, Bolivia (Plurinational State of), Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, and Uruguay. Brazil, Colombia, and Trinidad and Tobago have also acceded to it.

5. AMERICAN CONVENTION ON HUMAN RIGHTS (Pact of San José de Costa Rica)

5.1 This Convention establishes the rights and freedoms recognized herein, guaranteeing their free and full exercise to all persons without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, economic position, birth, or other social status.

5.2 Among other rights, it provides for the right of movement: everyone lawfully within the territory of a State has the right to move freely within that territory and to leave any country, including their own.

5.3 This Convention has been ratified by Argentina, Barbados, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Costa Rica, Dominica, the Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.

— END —