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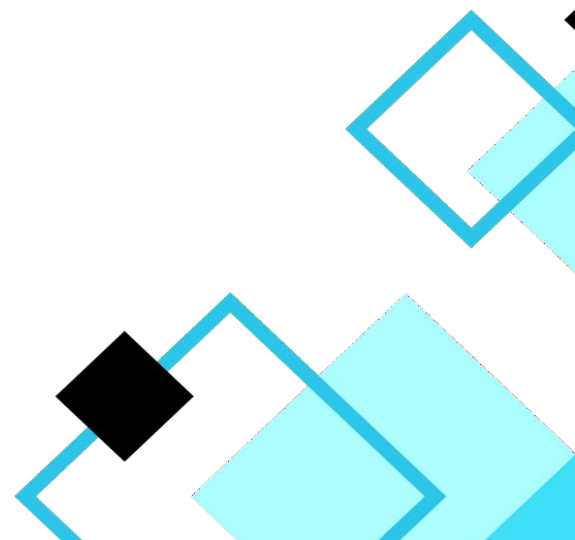
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## MODULE 2: DISABILITY LAW AND POLICY IN LIBRARIES



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## Introduction

Disability is a normal aspect of the human experience, and it's essential for libraries to recognize and support the needs of people with disabilities. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) defines individuals with disabilities as "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, CRPD). This module aims to enhance our understanding and sensitivity towards disabilities, enabling us to effectively discuss and plan library services that cater to everyone. It's important to keep in mind that disability is simply a part of what it means to be human.

## Learning Objectives

The overall learning objectives for this module are:

1. **Understand Disability Law and Policy Frameworks:** Familiarize yourself with international and national disability law and policy frameworks, including the CRPD and the Marrakesh Treaty, and understand their implications for libraries.

## Pre-Quiz

Q1 What is the primary purpose of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)?

Q2: What is the significance of Article 9 of the CRPD in relation to libraries?

Q3: What is the Marrakesh Treaty, and how does it support accessibility in libraries?

Q4: How do national disability laws and policies impact libraries?

Q5: What are the implications of the CRPD and the Marrakesh Treaty for library collections and services?

## International Framework

The CRPD is the leading international framework focused on advocating for the rights of persons with disabilities. Article 9 stresses the critical role of accessibility in ensuring that individuals with disabilities can access information and services on an equal footing. Libraries are instrumental in this effort, as they work to enhance accessibility and inclusivity. Moreover, the Marrakesh Treaty from the World Intellectual Property Organization (WIPO) supports this cause by facilitating the creation and sharing of accessible versions of copyrighted works for those who are visually impaired.

Check the Repository on Disability Rights in Africa (RODRA) for more information on legal frameworks on disability in Africa. <https://www.rodra.co.za/laws-policies/legislation>

Additionally, Libraries all over the world rely on several key international frameworks

and guidelines to provide equitable services for people with disabilities. Here are the most important ones:

## UN Convention on the Rights of Persons with Disabilities (UNCRPD - 2006):

**Foundation:** This treaty is the cornerstone of international human rights. While it doesn't specifically mention libraries, its principles are vital.

### Relevant Articles:

- *Article 9 (Accessibility):* This article requires states to take action to ensure that individuals with disabilities can access the physical environment, transportation, information, communications, and other public facilities/services on an equal basis. This directly impacts library buildings, websites, collections, and programs.
- *Article 21 (Freedom of expression and opinion, and access to information):* This article obligates states to ensure that information is provided in accessible formats and technologies, promoting access for individuals with disabilities to new information systems. This is essential to the library's mission of making information accessible to everyone.
- *Article 24 (Education):* This article stresses the importance of inclusive education and lifelong learning, which is a key function of libraries.
- *Article 30 (Participation in cultural life, recreation, leisure, and sport):* This ensures that everyone can access cultural materials and venues, including libraries.

Impact: When countries ratify these principles, they're legally obligated to put them into action, which influences national laws and library policies.

## IFLA Guidelines for Library Services to Persons with Disabilities (2023):

- **Authority:** Crafted by the International Federation of Library Associations and Institutions (IFLA), the worldwide advocate for libraries.
- **Focus:** Offers thorough, practical advice tailored specifically for libraries. It includes: -
  - **Philosophy and principles** (Inclusion, Universal Design, Equality).
  - **Planning and management** (Policies, budgeting, staffing, partnerships).

- **Physical and digital accessibility** (Buildings, websites, catalogs, equipment).
- **Accessible collections** (Formats like Braille, audio, large print, DAISY, accessible e-books).
- **Services** (Assistive technologies, reference, programming, outreach).
- **Specific user groups** (e.g., print disabilities, Deaf/hard of hearing, cognitive disabilities).

**Key Features:** This guideline champions Universal Design for Learning (UDL) highlights the importance of including individuals with disabilities in the planning process, and offers a handy checklist for libraries. It's the most relevant guideline for those working in library services.

### Web Content Accessibility Guidelines (WCAG - W3C):

- **Authority:** Crafted by the World Wide Web Consortium (W3C), which is the leading global standards organization for the web.
- **Focus:** It lays out technical standards aimed at ensuring web content is accessible to everyone, including those with disabilities (whether visual, auditory, physical, speech-related, cognitive, or neurological). The current benchmarks are WCAG 2.1 and the newer 2.2.
- **Impact:** These guidelines are crucial for library websites, online catalogs (OPACs), digital repositories, e-book platforms, and any online service or resource. A lot of national laws refer to WCAG as the standard that public sector websites must meet.

### The Marrakesh Treaty

The Marrakesh Treaty aims to make published works more accessible for individuals who are blind, visually impaired, or otherwise print disabled (2013).

- **Authority:** This treaty is managed by the World Intellectual Property Organization (WIPO).
- **Focus:** It tackles the issue of the "book famine" by establishing copyright exceptions that empower authorized entities, such as libraries, to create and share accessible format copies—like Braille, audio, DAISY, large print, and adapted e-books—across borders without needing to seek permission from copyright holders for each individual transaction.
- **Impact:** This significantly boosts the availability of accessible materials that

libraries can lend out locally and share on an international scale. Libraries are essential as "authorized entities" under this treaty.

## **Universal Design (UD) / Universal Design for Learning (UDL) Principles:**

- **Concept:** While it's not a strict "framework," these design philosophies are woven into various guidelines, such as those from IFLA and WCAG.
- **Focus:** The goal is to create products, environments, programs, and services that everyone can use, as much as possible, without needing any special adaptations or designs.
- **Impact:** These principles help shape the design of library buildings, services, program development, and learning materials, ensuring they are accessible and inclusive right from the start.

## **How Libraries Use These Frameworks:**

- **Policy Development:** They guide the creation of library accessibility policies and strategic plans.
- **Advocacy:** Libraries use these principles to support funding requests for accessibility enhancements to government bodies or boards.
- **Service Design:** They help in planning and implementing accessible physical spaces, collections, technologies (like assistive tech), programs, and digital services.
- **Staff Training:** Library staff are educated on accessibility principles and best practices.
- **Compliance:** Libraries ensure they meet national or local legal requirements, often based on these international standards (like laws implementing UNCRPD or mandating WCAG).
- **Benchmarking:** They assess current practices and pinpoint areas that need improvement.
- **Collection Development:** Libraries prioritize acquiring accessible formats and ensure that procurement processes require accessibility features for digital resources.

## **Important Considerations:**

- **Local Implementation:** While international frameworks set the principles, how they're implemented depends on national laws, local resources, and the specific needs of the community.
- **Beyond Compliance:** Leading libraries aim to exceed the minimum legal requirements to foster truly welcoming, inclusive, and empowering environments.
- **Ongoing Process:** Accessibility isn't a one-off project; it demands continuous evaluation, adaptation, and commitment from staff.
- **User Involvement:** Engaging and collaborating with individuals with disabilities is crucial for delivering effective services.

## Conclusion

By following these international guidelines, libraries are dedicated to their core mission: ensuring that everyone in their communities has equal access to information, culture, and lifelong learning opportunities.

## Post QUIZ

### **What is the primary purpose of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)?**

A1: The primary purpose of the CRPD is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.

### **Q2: What is the significance of Article 9 of the CRPD in relation to libraries?**

A2: Article 9 of the CRPD emphasizes the importance of accessibility in ensuring equal access to information and services for persons with disabilities. For libraries, this means ensuring that physical facilities, technology, and information systems are designed to be accessible to all.

### **Q3: What is the Marrakesh Treaty, and how does it support accessibility in libraries?**

A3: The Marrakesh Treaty is an international treaty that facilitates the creation and dissemination of accessible copies of copyrighted works for visually impaired persons. It supports accessibility in libraries by allowing for the creation and sharing of accessible copies of copyrighted works, thereby increasing access to information for visually impaired persons.

### **Q4: How do national disability laws and policies impact libraries?**

A4: National disability laws and policies can impact libraries by requiring them to provide accessible facilities, services, and resources, and by promoting inclusive practices. Libraries must comply with these laws and policies to ensure equal access to information and services for persons with disabilities.

### **Q5: What are the implications of the CRPD and the Marrakesh Treaty for**

**library collections and services?**

A5: The CRPD and the Marrakesh Treaty imply that libraries should prioritize accessibility in their collections and services. This includes providing accessible formats, such as Braille, large print, and audio, and ensuring that online resources and websites are accessible. Libraries should also consider the needs of persons with disabilities when developing collections and services.

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