

Universal Accessibility as a Standard in Human Rights and Sustainable Development

Author: Prof. Maria Soledad Cisternas Reyes, Special Envoy of the United Nations Secretary-General on Disability and Accessibility

Date: April 2019

ABSTRACT This article analyzes the principle of universal accessibility as a human rights standard enshrined in the United Nations Convention on the Rights of Persons with Disabilities and in the Inter-American Convention on the Protection of Human Rights of Older Persons of the Organization of American States. The analysis covers the linkage of the principle of universal accessibility to the 2030 Agenda for sustainable development with respect to sustainable cities and communities; the relationship of this principle to corporate human rights obligations and its importance in the covid-19 pandemic context.

KEYWORDS Accessibility, universal design, Convention on the Rights of Persons with Disabilities, Organization of American States Inter-American Convention on Protecting the Human Rights of Older Persons, Sustainable Development Goals.

Introduction

The purpose of this monograph is to understand the legal contours of the universal accessibility standard as a binding principle and specific right, its relation to the sustainable development goals, and also the obligations for companies in the field of human rights.

For this, different concepts of city elaborated by United Nations agencies are reviewed, and the United Nations Convention on the Rights of Persons with Disabilities¹ and the Inter-American Convention on the Protection of the Human Rights of Older Persons of the Organization of American States² will be identified as instruments that establish the specific legal standard of accessibility as a bridge for the exercise of human rights and fundamental freedoms.

In turn, it examines how the 2030 Agenda for sustainable development is linked to the issue of **accessibility** in its Sustainable Development Goal No. 11: sustainable cities and communities, which aims to make cities and human settlements inclusive, safe, resilient and sustainable. What should be applied to the modern development of smart cities, which undoubtedly must meet accessibility standards, to "leave no one behind."

We know that the main parties bound by international treaties are the States. However, in contemporary society the role of companies is fundamental for the fulfillment of human rights and for sustainable development, which is why their responsibilities regarding accessibility have also been made visible.

¹ The United Nations Convention on the Rights of Persons with Disabilities has been ratified by 182 States parties.

² The Inter-American Convention on the Protection of the Human Rights of Older Persons of the Organization of American States ratified by seven States parties.

The importance of accessibility has been repeatedly recognized in the jurisprudence of the United Nations Committee on the Rights of Persons with Disabilities. The same is happening in judicial decisions nationwide, which even declare that **accessibility** is a specific right. That is why we will refer to two cases in which persons with disabilities faced barriers that prevented their full incorporation into society due to the limitation of their autonomous displacement and due to limitation of the exercise of the right to vote independently.

Finally, specific considerations are made to take into account accessibility in times of the COVID-19 pandemic for the exercise of rights.

Cities and universal accessibility

Within the United Nations system, various concepts related to cities have been developed, such as: friendly city, healthy city, healthy municipality and child-friendly city.

“Friendly cities” are those that “encourage active ageing by optimizing opportunities for health, participation and security in order to enhance quality of life as people age”³.

“Healthy city” is “one that is continually creating and improving those physical and social environments and expanding those community resources which enable people to mutually support each other in performing all the functions of life and developing to their maximum potential”⁴. Linked to the concept of healthy city we find the concept of “healthy municipality”, as “one that has managed to achieve a social pact between civil society organizations, institutions from various sectors, and local political authorities, and that makes a commitment to carry out health promotion actions, with a view to providing the population with a good quality of life”⁵.

Finally we find the concept of “child-friendly city (CFC)” which is a “city, town, community or any system of local governance committed to improving the lives of children within their jurisdiction by realizing their rights as articulated in the UN Convention on the Rights of the Child”⁶. The vision for the UNICEF Child Friendly Cities Initiative (CFCI) is that “every child and young person enjoys their childhood and youth, and reaches their full potential through equal realization of their rights within their cities and communities”⁷.

The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) raised **accessibility** to the quality of a general principle of the Treaty, assigning a specific norm that prescribes that States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in

³ World Health Organization, Global Age-friendly Cities: A Guide, 2007
https://apps.who.int/iris/bitstream/handle/10665/43755/9789241547307_eng.pdf

⁴ The WHO Health Promotion Glossary, 1998.
<https://www.who.int/healthpromotion/HPG/en/>

⁵ Healthy Municipalities & Communities, PAHO, 2004.
https://iris.paho.org/bitstream/handle/10665.2/42581/MCS_Guide.pdf

⁶ <https://childfriendlycities.org/>

⁷ <https://s25924.pcdn.co/wp-content/uploads/2018/05/CFCI-handbook-NewDigital-May-2018.pdf>

rural areas, to enable persons with disabilities to live independently and participate fully in all aspects of life⁸ (article 9).

At the same time, the CRPD details accessibility in buildings, roads, transportation, schools, housing, medical facilities and workplaces, providing in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms; even providing forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, among others⁹ (Article 9).

In the framework of freedom of expression and opinion and access to information, the CRPD also underlines the importance of providing information addressed to the general public, in a timely manner and at no additional cost, in an accessible format and with the appropriate technologies for the different types of disability. The above implies accepting and facilitating the use of Braille; the augmentative and alternative modes, media, and accessible communication formats that persons with disabilities choose in their official relations; and the recognition of Sign language as a specific language for deaf persons, as it is part of their natural expression and reflects their cultural and linguistic identity.

Although the legal standard of accessibility appears for the first time in a normative way in relation to the rights of persons with disabilities, it is no less true that today there is consensus in considering that such accessibility is universal, given it is related to other sectors of the population for whom it facilitates the enjoyment of their rights, as older persons.

Thus, the Organization of American States Inter-American Convention on Protecting the Human Rights of Older Persons (ICOP) enshrines a specific prescription on accessibility which details that older persons have the right to accessibility, to the physical, social, economic, and cultural environment, as well as to personal mobility¹⁰, and in order to ensure that this population may live independently and participate fully in all aspects of life, States Parties shall progressively adopt appropriate measures to ensure for older persons access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures shall include the identification and elimination of obstacles and barriers to accessibility, highlighting the obligation to develop and monitor the implementation of minimum standards and guidelines on accessibility. Even foster access for older persons to preferential fees, or no fees, for transportation services open or provided to the public, what means the affordability of the means of transport, that is, that persons can have access to them without economic barriers such as a fare that they cannot pay.

If we consider that persons with disabilities reach 15% of the world's population, which is equivalent to more than one billion people in the world¹¹ and that there are currently around 900 million of older persons, equivalent to 12% of the world population, and it is estimated that by 2050 there will be 2 billion of older persons, equivalent to 22% of the world population¹², we can

⁸ CRPD, op. cit. article 9.

⁹ Ibid.

¹⁰ ICOP, op. cit. article 26.

http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-70_human_rights_older_persons.pdf

¹¹ WHO, World report on disability

<https://www.who.int/publications/i/item/world-report-on-disability>

¹² WHO, Facts about ageing

<https://www.who.int/ageing/about/facts/en/>

conclude that regardless of some crossings between the two sectors of the population mentioned, we are facing a large proportion of humanity.

Using at present the concept of universal accessibility, we are affirming that the standards in this matter are useful for other people, even when they do not have disabilities or are older. This is how the mother who travels with a baby carriage and her baby, young children, an injured person, someone who travels in the subway without wearing his or her glasses and uses the auditory information or someone who has gotten ear sick and visualizes written information in a public service will also be a subject of law using universal accessibility, to overcome an occasional or temporary situation that affects his or her mobility or movement, vision, hearing, etc.

Accessibility is based on “universal design”, defined in the CRPD as 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 needed¹³.

Goal 11 of the 2030 Agenda: Sustainable Cities and Communities

The 2030 Agenda has as its axes People, Planet, Prosperity, Peace, and Partnerships. In this context, the Sustainable Development Goal No. 11 of the Agenda states that cities and human settlements must be inclusive, safe, resilient and sustainable.

Mentions of inclusion and sustainability mark us the direct connection with universal accessibility, stating in target 11.2 that it is a must, “By 2030, provide access to safe, affordable, **accessible** and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons”.

At the same time, target 11.7 prescribes that it is a must, “By 2030, provide universal access to safe, inclusive and **accessible**, green and public spaces, in particular for women and children, older persons and persons with disabilities”¹⁴.

It is pertinent to quote target 17.19, which states that “By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries”, which opens the possibility of establishing other indicators on accessibility in its varied range, since this standard is directly linked to sustainable development for millions of people in the world, as a bridge for the exercise of human rights and fundamental freedoms.

Though universal design is an unwritten goal in SDG 11, it must be understood as incorporated within the goals that expressly refer to accessibility, and to those referring to inclusion and sustainability contained in the 2030 Agenda. In this sense, universal design should also be applied

¹³ CRPD, op. cit., article 2.

¹⁴ (Targets 11.2 and 11.7, respectively).

in the occurrence of natural disasters when an inclusive and sustainable reconstruction must be carried out, among other cases.

It is important to note that at least 12 SDGs are directly or indirectly related to accessibility even when they do not expressly mention it, for example: ending poverty (SDG 1), education (SDG 4), and work (SDG 8), among others¹⁵.

Smart cities

The International Telecommunications Union (ITU) conceptualizes the smart sustainable city as an “innovative city that uses information and communication technologies (ICTs) and other means to improve quality of life, efficiency of urban operation and services, and competitiveness, while ensuring that it meets the needs of present and future generations with respect to economic, social, environmental as well as cultural aspects”¹⁶.

For persons with disabilities and for older persons, the "achievements of modernity" should be a real horizon in their lives, which contribute to their concrete autonomy and independence, without becoming another barrier, for their full and effective inclusion in the society. At the same time, the continuous and inclusive training of the population is a vital challenge in the 21st century, leaving no room for a digital gap that would be exclusive.

The challenge of the truly smart city will be to understand the needs of our diverse, dynamic, interactive and evolving humanity, which implies its complete accessibility. Without meeting this standard, the tech city would not be truly smart.

In the field of international monitoring of sustainable development, the examination of the countries in the United Nations High-Level Political Forum on Sustainable Development, HLPF, should delve into the key axis of human diversity, measuring concrete actions of planning and participatory management complying with universal accessibility standards. Only in this way can we celebrate the full fulfillment of the 2030 Agenda.

¹⁵ 2030 Agenda on Sustainable Development:

Goal 1: End poverty in all its forms everywhere;

Goal 3: Ensure healthy lives and promote well-being for all at all ages;

Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all;

Goal 5: Achieve gender equality and empower all women and girls;

Goal 6: Ensure access to water and sanitation for all;

Goal 7: Ensure access to affordable, reliable, sustainable and modern energy;

Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all;

Goal 9: Build resilient infrastructure, promote sustainable industrialization and foster innovation;

Goal 10: Reduce inequality within and among countries;

Goal 11: Make cities inclusive, safe, resilient and sustainable;

Goal 12: Ensure sustainable consumption and production patterns;

Goal 16: Promote just, peaceful and inclusive societies;

Goal 17: Revitalize the global partnership for sustainable development.

Link: <https://www.un.org/sustainabledevelopment/>

¹⁶ International Telecommunication Union (ITU), 2015.

<https://www.itu.int/en/ITU-T/focusgroups/ssc/Pages/default.aspx>

General Comment N° 2 of the CRPD Committee: Accessibility

As we have seen, accessibility was raised to the rank of principle in the CRPD, being a binding normative standard in accordance with this Convention. Thus, the United Nations Committee on the Rights of Persons with Disabilities, an international supervisory body, has permanently repeated in its jurisprudence the obligation of States to comply with universal accessibility in a broad manner, in all areas and places.

The Treaty body has reaffirmed the priority and substantive nature of accessibility, by deciding to prepare a General comment on this matter¹⁷, whose aim is to guide States and civil society in its implementation aspects.

The General Comment N° 2 has indicated that ensuring accessibility to the physical environment, transport, information, communication, and services open to the public is often a vital precondition for the effective and equal enjoyment of civil, political, economic, social and cultural rights by persons with disabilities.

States parties can ensure that access is achieved through gradual implementation when necessary as well as through the use of international cooperation. Thus, barriers should be removed in a continuous and systematic way, gradually yet steadily. States parties are also obliged to

“adopt, promulgate and monitor national accessibility standards. If no relevant legislation is in place, adopting a suitable legal framework is the first step. States parties should undertake a comprehensive review of the laws on accessibility in order to identify, monitor and address gaps in legislation and implementation”¹⁸ (parr. 28).

The Committee emphasizes the importance that in the development and implementation of this legislation and regulations States Parties shall closely consult with and actively involve persons with disabilities, through their representative organizations¹⁹, as well as with other relevant stakeholders, including members of the academic community and architect’s associations, urban planners, engineers and designers. Legislation must incorporate the principle of universal design, and be based on it, as required by the Convention²⁰, providing for the mandatory application of accessibility standards and the imposition of sanctions, including fines, on those who do not apply them.

It is helpful to mainstream accessibility standards that prescribe various areas that have to be accessible, such as the physical environment in laws on construction and planning, transportation in laws on public aerial, railway, road and water transport, information and communication, and services open to the public²¹.

Accessibility should be encompassed in specific laws on equal opportunities and participation in the context of the prohibition of disability-based discrimination. The Committee categorically

¹⁷ United Nations Committee on the Rights of Persons with Disabilities, General comment No. 2 (2014), on Article 9: Accessibility. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en

¹⁸ Ibid.

¹⁹ CRPD, op. cit., article 4, paragraph 3.

²⁰ Idem, article 4, paragraph 1 (f).

²¹ General comment No. 2 (2014), Op. cit.

states that denial of accessibility should be clearly defined as a prohibited act of discrimination. Furthermore, persons with disabilities should have effective legal remedies. (parr 29)

The Committee underlines the need to establish minimum standards for the accessibility of different services provided by public and private enterprises for persons with different types of disabilities. That would allow the generalization of universal design in the development of standards. States parties should establish a legislative framework with specific, enforceable, time-bound benchmarks for monitoring and assessing the gradual modification and adjustment by private entities of their previously inaccessible services into accessible ones. States parties should also ensure that all newly procured goods and services are fully accessible for persons with disabilities²².

As a minimum, the installation of a service without accessibility after the entry into force of the relevant accessibility standards should be considered prohibited acts of discrimination based on disability.

As part of their review of accessibility legislation, States parties should also consider public procurement laws to ensure that their accessibility procedures incorporate accessibility requirements²³.

Consequently, the Committee has made clear the nature of accessibility as a legal obligation in the various fields, which is invariably repeated in all the Concluding Observations for the States²⁴.

The role of companies in accessibility

The United Nations Guiding Principles on Business and Human Rights establish that “[t]he companies must respect human rights. This means that they must refrain from infringing the human rights of third parties and face the negative consequences on human rights in which they have some participation”, these principles are applicable to all companies regardless of their size and organizational structure and include the obligation to respect the obligations contained in the CRPD and the CIPM, among others, such as the principle of accessibility contained therein.

Taking into account that the 2030 Agenda is based on human rights (parr 67) and that on the other hand there are the United Nations Guiding Principles on Business and Human Rights²⁵, that we have previously pointed out, we can draw important applications towards accessibility²⁶:

First, such private entities should avoid and prevent their own activities from causing or contributing to negative impacts on human rights and therefore on sustainable development, by addressing such negative impacts when they occur. In other words, private companies will not be

²² Ibid.

²³ Ibid.

²⁴ United Nations Committee on the Rights of Persons with Disabilities (CRPD).

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=es&TreatyID=4&DocTypeID=5

²⁵ United Nations Guiding Principles on Business and Human Rights, 2011.

https://www.ohchr.org/Documents/publications/hr.puB.12.2_en.pdf

²⁶ 2030 Agenda for Sustainable Development, connection contained in paragraph 67 of the document: Draft outcome document of the United Nations summit for the adoption of the post-2015 development agenda.

https://www.un.org/ga/search/view_doc.asp?symbol=A/69/L.85&Lang=E

able to affect existing accessibility conditions. For example, a company may not produce physical barriers to the movement of people or emit interference to equipment used by persons with disabilities to access information and communications, among others.

Second, in accordance with the principles indicated, companies must adopt an explicit political commitment reflected in policies and procedures to protect human rights, including impact evaluations of their activities. This is how the goods and services produced by companies must be fully accessible to all persons. For example, a cell phone that can be used by all persons, containing accessibility applications.

This relationship is supported by the CRPD, especially linked to freedom of expression, insofar as it encourages private entities that provide services to the general public, including through the Internet, to provide information and services in formats that persons with disabilities can use. In this sense, it places special emphasis on the accessible services that the media should provide.

A third contribution of companies with human rights and with the 2030 Agenda will be the adoption and deepening of social leadership, channeling a percentage of their profits towards sustainable investments such as those aimed at universal accessibility for the entire community in cities and in other human settlements. This investment will feed back to the same private company as there is a society with persons who have free access to cities and other environments, thus enjoying well-being. There will be a concrete return to the company through consumers who experience a physically and psychologically healthy life.

Jurisprudence

Next, we will analyze two cases that correspond to persons with disabilities whose full participation in society is limited due to lack of accessibility. These cases have been chosen since they refer to different aspects of accessibility.

Thus, in the first, followed before the Courts of Colombia²⁷, the principle of accessibility was violated due to the lack of physical infrastructure that allows the free movement of persons with disabilities; while in the second, whose knowledge reached the United Nations Committee on the Rights of Persons with Disabilities, the principle of accessibility was violated due to the existence of barriers that prevent the right to vote autonomously.

These cases represent the application of the principle of accessibility in two different venues: in national courts in the Colombian case, in which accessibility is recognized as a specific right; and before the United Nations Committee on the Rights of Persons with Disabilities. In turn, they identify different subjects bound by the principle of accessibility, in one case a company and in the other the State.

Case of infringement of the principle of accessibility due to lack of physical infrastructure:
Accessibility as a specific right

27 Jurisprudence of Colombia, year 2016. <http://www.corteconstitucional.gov.co/relatoria/2016/t-269-16.htm>

In 2015, in the city of Bogotá, Colombia, a 36-year-old person with a disability, who uses a wheelchair as a result of a traffic accident, filed a protection action against the El GranSan Shopping Center, considering that it violated his fundamental rights to human dignity. He stated that he could not exercise his job as a merchant with full autonomy because the establishment did not have accessibility conditions for persons with disabilities. He reported that, on several occasions due to lack of adequate physical infrastructure, other people had to help him and even carry him to be able to move, which caused him nuisance and discomfort.

The Bogotá Court, through a ruling of November 3 of the same year, resolved to “deny as inadmissible” the protection action. In second instance, the Courts confirmed the first instance ruling. However, the First Review Chamber of the Constitutional Court decided to revoke the second instance judicial decision, and instead, it granted the protection of the fundamental rights to work, human dignity and freedom of movement of the appellant, ordering the shopping center to design a plan that would guarantee the **fundamental right of the plaintiff and the population with disabilities to accessibility and freedom of movement**. The plan had to implement the necessary works in terms of physical accessibility for persons with disabilities.

Immediately, from the notification of the guardianship ruling, and as a provisional measure while the actor was guaranteed the full exercise of his **rights to accessibility** and freedom of movement, it was decided to take temporary actions to allow entry and mobility of persons with disabilities in its facilities without obstacles or excessive loads.

Case of infringement of the principle of accessibility due to the existence of barriers that prevent the right to vote autonomously

In *Given v Australia*,²⁸ presented before the United Nations Committee on the Rights of Persons with Disabilities, the applicant has cerebral palsy and, as a consequence, cannot speak, while her fine motor skills and muscle control are limited. That is why she uses a motorized wheelchair to move and an electronic voice synthesizer to communicate.

On September 7, 2013, federal elections were held for the House of Representatives and the Senate in the states and territories of her country. Under the provisions of the Commonwealth Election Act 1918, the Australian Electoral Commission is in charge of conducting elections and referenda in the State party. The Electoral Commission conducted the 2013 federal elections through postal vote, polling station voting, and computer-assisted voting for the visually impaired, in accordance with the provisions of the electoral law.

On election day, the applicant wished to cast a secret ballot on an equal basis with the other voters; however, due to her condition, she could not mark a ballot, fold it, and deposit it in a ballot box without the assistance of another person, thus requiring access to an electronic voting system, for example, a computer interface to vote autonomously.

²⁸ Dictamen del Comité sobre los Derechos de las Personas con Discapacidad, «*Given contra Australia*», disponible en <https://bit.ly/3nFTFcE>.

She pointed out that she was used to using adapted technology through a computer without resorting to third parties. Before the elections, the applicant read the publications of the Electoral Commission to find out the voting options, and came to the conclusion that, according to the electoral law, electronic voting was only possible for visually impaired persons registered as such.

On September 7, 2013, she went to the electoral college of the Electoral Commission in the North Sydney Electoral Division in company of her assistant. In the absence of means to cast an electronic vote, she chose to exercise her right, as a person with physical disabilities, requesting assistance from the president of the polling station to mark the ballot following her instructions, fold it and deposit it in the ballot box, based on the electoral law. However, the president of the ballot station refused to comply with her request for assistance, claiming that she was “too busy” and told her to ask her assistant for help, despite the fact that the applicant indicated to her through her electronic communication device that she did not want to reveal her voting intention to her assistant.

By not having access to an electronic voting system and at the insistence of the president of the station that she asked her assistant for help to vote, the woman had to agree, despite having preferred to receive assistance from a member of the polling station who did not know her, an option that would also have been questionable, because it would not have allowed her to preserve the confidentiality of her vote.

The Committee ruled that the State party failed to comply with the obligations of the CRPD regarding political and public participation, equality and non-discrimination, and accessibility. Thus, it accepted the applicant's communication, stating that the State party must provide her with an effective remedy, which includes compensation for the legal costs incurred in submitting the communication.

In the general recommendations section, the Committee asked the State to study the possibility of modifying the electoral law to ensure that the option of electronic voting is accessible and available to all persons with disabilities who require it, regardless of the type of disability that they present. At the same time, it asks the State to defend and guarantee in practice the right to vote of persons with disabilities, on an equal basis with others, ensuring that electoral procedures, facilities and materials are adequate, accesible, easy to understand and use, protecting the right of persons with disabilities to cast a secret ballot through the use of assistive technology.

Contributions from the accessibility standard in contexts of sanitary crisis²⁹

The deficiencies or insufficiencies in universal accessibility have shown in the COVID19 pandemic the gaps in public policies, legislation and services, negatively affecting human rights and the sustainable development of millions of persons in the world.

²⁹ Speech presented by Prof. María Soledad Cisternas Reyes, Special Envoy of the United Nations Secretary General on Disability and Accessibility at the United Nations High Level Political Forum, New York, July 17, 2020.
<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/07/HLPF-Statement-Prof.-Maria-Soledad-Cisternas.pdf>

The lack of accessibility has been made visible in most hospitals, affecting the right to health care – including mental health – for many persons. Confinement has also exacerbated the accessibility problem by affecting the provision of goods, services, and technologies and the exercise of rights such as education and work, which have changed from a face-to-face mode to a remote one. Accessibility includes training personnel from different areas to attend to human diversity.

Many persons with disabilities and older persons live in a situation of poverty and marginalization, aggravated by the lack of accessibility which implies barriers to their exercise of human rights and fundamental freedoms.

The pandemic has increased multidimensional poverty, which is evidenced in the weaknesses in the health systems, including access to intensive care units for the care of persons with disabilities and older persons, with the risk of being considered second in relation to others, added the lack of information and communication in accessible formats, and insufficient training of personnel to address this diversity. From the point of view of sustainable development, the implementation of universal accessibility is to move widely towards the eradication of poverty.

It is important to strengthen inclusive governance through multilateral political decision-making to catalyze universal accessibility. The creation of “**global big data**” to address the critical issue of accessibility during and after the pandemic will be a legacy for humanity. This “**big data**” will provide very decisive keys to better face other humanitarian emergencies, especially because a century ago the so-called “Spanish Flu” was experienced without the ways in which this emergency was faced have been registered, also taking into account the announcements of new pandemics that humanity could face in the future. At the same time, the global big data might help States and communities to identify the crucial aspects of accessibility and its connection with human rights and sustainable development.

The contents of a global big data on the COVID 19 pandemic must address the different aspects of health care that have been mentioned, as well as variables and indicators of mental health, the exercise of economic, social and cultural rights such as education and work , the provision of goods and services, and the application of reasonable accommodation during quarantines. Similarly, global big data should consider the gradualness of the process for an inclusive and participatory response to the pandemic.

The alliance among central governments, local governments, civil society organizations, the private sector, the United Nations, its agencies and other stakeholders will be crucial to make progress on the different paths towards universal accessibility, as an effective way for the fulfillment of human rights and for overcoming poverty; always taking into account the reality of each local context and the needs and proposals of its inhabitants.

Concluding remarks.

Although the principle of universal accessibility has been enshrined by the United Nations in specific regulations through the human rights model of the Convention on the Rights of Persons with Disabilities, and regionally by the Inter-American Convention on Protecting the Human Rights of Older Persons, there is currently a consensus that accessibility must have a universal character for the enjoyment of human rights and fundamental freedoms of all individuals in the community,

even when they do not have disabilities or are older. From the above, the concept of "accessible city" emerges.

Within the framework of the United Nations other concepts coexist, such as a friendly city, a healthy city and a child-friendly city, which can certainly be integrated into the concept of an accessible city. This means that there is no conceptual contradiction, but complementarity.

The importance of this complementarity is that only the qualification of "accessible" has a regulatory standard and therefore legal obligation, enforceability and accountability. In addition, different Courts of Justice and Courts in different regions of the world have received legal actions that claim "the lack of accessibility", even considering it as a specific right. The citizen could not take legal action if a city is not friendly, healthy or not child-friendly. However, from the legal umbrella of accessibility, people can wield their needs for a friendly, healthy city or for children.

In short, it is clear that accessibility is a legally protected "good" and that it represents significant progress in the human rights framework for the full enjoyment of all the rights of all people. From another angle, the lack of accessibility constitutes a form of structural abuse that increases the multidimensional poverty of people. For this reason, we cannot speak of sustainable development if universal accessibility standards are not achieved in different areas and places.

The importance of accessibility for the enjoyment and exercise of rights has been made clear during the COVID-19 pandemic when the right to health, education and work have been subject to compliance with this principle, limiting part of the population to an adequate standard of living.

Universal accessibility is a pillar and bridge for the exercise of human rights and fundamental freedoms and also for the fulfillment of the SDGs such as education, work, healthy life and well-being, inclusive production, peaceful societies, access to justice, effective institutions, among others. Accessibility is the most transversal human rights figure of the 21st century, since it positively impacts the lives of millions of people in the world, without distinction.

Bibliographic references:

2030 Agenda on Sustainable Development, 2015

<https://www.un.org/sustainabledevelopment/>

United Nations Committee on the Rights of Persons with Disabilities. General Comment N ° 2 article 9 "accessibility".

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/2&Lang=en

Organization of American States Inter-American Convention on Protecting the Human Rights of Older Persons (ICOP) 2015.

http://www.oas.org/en/sla/dil/inter_american_treaties_A-70_human_rights_older_persons.asp

United Nations Convention on the Rights of the Child, 1990.

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

United Nations Convention on the Rights of Persons with Disabilities, CRPD 2006.

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

High Level Political Forum, Speech presented by Prof. María Soledad Cisternas Reyes, Special Envoy of the United Nations Secretary General on Disability and Accessibility, New York, July 17, 2020.

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/07/HLPF-Statement-Prof.-Maria-Soledad-Cisternas.pdf>

World Health Organization, Elder-Friendly Global Cities: The Guide. 2007.

https://www.who.int/ageing/age_friendly_cities_guide/en/

The WHO Health Promotion Glossary, 1998.

<https://www.who.int/healthpromotion/HPG/en/>

Healthy Municipalities & Communities, PAHO, 2004.

https://iris.paho.org/bitstream/handle/10665.2/42581/MCS_Guide.pdf

United Nations Guiding Principles on Business and Human Rights, 2011.

https://www.ohchr.org/Documents/publications/hr.puB.12.2_en.pdf

UNICEF, 2018.

<https://childfriendlycities.org/>