



## **ADA Live! Episode 88: A Day for All: International Day of Persons with Disabilities**

**Broadcast Date:** December 2, 2020

**Speakers:** Anna Lawson, Professor of Law and Joint Director of the University of Leeds Centre for Disability Studies, Project Coordinator and Principal Investigator Inclusive Public Space (IPS) project, University of Leeds

Peter Blanck Ph.D., J.D., University Professor & Chairman Burton Blatt Institute

**Host:** Barry Whaley, Director - Southeast ADA Center

**Anna Lawson:** Hi, I'm Anna Lawson.

**Peter Blanck:** Hello, it's Peter Blanck. Welcome to ADA live.

**4 Wheel City:** (rapping)

**Barry Whaley:** Hi everybody. On behalf of the Southeast ADA center, the Burton Blatt institute at Syracuse University and the ADA National Network, I want to welcome you to ADA live. I'm Barry Whaley, I'm the director at the Southeast ADA center. Listening audience, if you have questions about the ADA you can use our online form at [adalive.org](http://adalive.org).

United Nations recognizes December 3rd as the International Day of Persons with Disabilities and our theme this year is "A Day for All." According to the United Nations the theme reflects a growing understanding that disability is part of the human condition and that almost everyone will become temporarily or permanently disabled at some point in their life. Few countries however have adequate systems in place to respond fully to the

needs of people with disabilities. In today's ADA live episode we feature an international research project whose purpose is to address one of the most fundamental rights we all have: Equal access to public spaces. We are so pleased to be joined today by Dr. Anna Lawson, she is a professor of Law and the joint director of the Center for Disability Studies at the University of Leeds in the United Kingdom and she's the project co-coordinator and principal investigator of the Inclusive Public Space project. Dr Peter Blanck, university professor and chairman of the Burton Blatt institute at Syracuse University and also the USA country advisor to the Inclusive Public Spaces project will speak with Anna.

So Peter I'm pleased to turn it over to you.

**Peter Blanck:** Thank you, Barry. And Anna, it's such a pleasure to be with a distinguished colleague and friend and luminary. We have many great Americans, as I like to say, who have participated in this webinar podcast. Lex Frieden recently, who was one of the major forces behind the Americans with Disabilities Act. And I consider you a great UK'er, in that league. You are an influential expert advisor on all aspects of disability law, both in the UK and across Europe as well the World. You have won several prizes and direct a very large center and really it is quite an honor and a pleasure to have you with us today, Anna.

**Anna Lawson:** Thank you so much, Peter. The honor and privilege is absolutely all mine.

**Peter Blanck:** In the mid 1800s, Mark Twain in the United States, I was reading about this earlier today, wrote a short piece about a boy, a little boy, who was told not to observe the white elephant in the room. Today we talk about that as the elephant in the room, but I have to begin Anna on a serious note of course, and that is that we all are in the throes of COVID-19. UK of course and Europe are experiencing a resurgence, the United States is experiencing a resurgence. In terms of your over-arching agenda for your law school's disability law hub and more generally in terms of your writing and thinking, which will lead us of course into accessibility, what does the present hold in current times for people with disabilities as a result of this pandemic and what are we looking at, in terms of the next couple of years, in terms of implications for sheltering in place, social

distancing and all forms of social participation which in many ways affect people with disabilities perhaps in different ways than other individuals. What's your thinking on that?

**Anna Lawson:** That's a good place to start. That's a massive question, actually. I think it throws up really interesting questions for every piece of disability research that's going on at the moment. I don't think there's any piece of disability research that's likely to be unaffected by what's going on at the moment. I think we don't know the full impact yet of how it's played out disproportionately to affect the lives of disabled people. I was talking to one of my colleagues who's disabled last week, and he was saying he hasn't left his house since the beginning of March, because of the fear of catching the virus, because he's been told he wouldn't survive if he had it. I think we're very much at the start of working out what the disproportionate impact is being of this virus. I think also it highlights opportunities to create more flexible workplaces, which might advantage many disabled people. Many disabled people have been pushing for reasonable accommodation in the form of more flexible working and working from home, which have met resistance in the past. I think it's going to be harder to resist those sort of claims for accommodations in the future.

But alongside those opportunities, there are also challenges. I'm blind and often these online platforms have challenges, they may be technically accessible but if you're listening to the talk that's going on it's actually quite hard to hear the chat function at the same time and participate in both avenues of that in an audio way. And I think there are a number of challenges that we're going to need to unearth a little bit more and really understand what's going on, but be very responsive at the same time. And I think a big challenge is ensuring that equality law is agile enough to respond to crisis. So what is undue hardship? What is reasonable, in our language in the UK, when you're dealing with a situation where everything is slightly up in the air and unknown and there isn't clear guidance, established guidance on things. There is a tendency, I think, to abandon the adherence to principles of equality and I think it's really important that we really push hard the message that they hold firm even in times of crisis.

**Peter Blanck:** That's a very interesting and important response, we of course could spend a whole session on that. One of my colleagues in our new employment center that's focusing on these issues, the Disability Inclusive Employment Policy Grant, which was the subject of another show which BBI has recently won with our colleagues at Harvard University and Rutgers University, have written a paper on the so-called "Silver lining" of the pandemic in the regard of making technology hopefully more accessible and remote work more accessible. I wonder though and worry a little bit, and this leads us into your important work on inclusive public spaces. Given this sheltering in place, is there a possibility that once we get back into the physical world there'll be new types of access barriers or that advances on that topic are stalled now as a result of the focus on basically staying at home?

**Anna Lawson:** Yes, there definitely are. There's been quite a bit of, I don't think there's been a systematic study of this yet that I'm aware of, but there's definitely a lot of evidence of increased space being given over to walking and cycling in the UK and in European countries, but often without much attention to the accessibility of that extra space. And I think cafes and shops are tending to operate more outdoors which means blockages get created on sidewalks, pavements in our language, which again create problems. And as a visually impaired person, rules around physical distancing aren't always very easy to observe if they're marked out by visual indicators.

**Peter Blanck:** May I plant the flag for a study that I would love to do with you and the Southeast ADA center in this context. We actually have sort of a natural experiment, as it were, pre and post COVID or during COVID: Sidewalk accessibility on these exact issues which would be very important and interesting to keep track of. I wondered, as an introduction, perhaps you can tell us about this important Inclusive Public Space project, the grant which you won, very impressive and prestigious grant from the EU, generally and the nature of its objectives and perhaps some of the issues that we have just talked about in light of this pandemic.

**Anna Lawson:** Yes, thank you Peter. It's a five year project and it's from the European Research Council. We're actually coming up to the end of the second year, we have been

delayed because of COVID, we've had to rewrite the methodology quite significantly, but it's going well. And the aims of it, there are three main aims. The first concerns lived experience, the second concerns law and the third concerns perception and building solidarity. I might just say a little bit more about each of them. Excuse me.

First of all, the lived experience aim. This is to deepen understanding of the causes and impacts of unequal access to streets on peoples' lives. And that's particularity disabled people, older people and parents and carers. And obviously COVID-related experiences of the type we just discussed are part of what we're looking at in this research because they're what people are mentioning when they're coming to their interviews. Yes, we're doing interviews in 10 cities in 5 different countries and there'll also be a global online survey which people will be able to fill in, wherever they are in the world.

The second aim is about law, and it's to deepen understanding of how law is and could be used to make public space more inclusive, and equality law or non-discrimination law clearly has an important role to play in this regard in the United States. But we're not just looking at equality law, we're also looking at criminal law, planning law and taught law. And I was particularly inspired, I have to say, when thinking about this project by the old, longstanding work of professor Jacobus Tenbroek who is a great idol of mine, a US blind law professor. He chaired the National Federation of the Blind in the US for a long time. But he wrote a wonderful article in 1966, such a long time ago, called "The Right to Live In The World" which really looked at the way in which taught law principles shape how welcome, how entitled blind people in particular are to go out and about and take part in life in a city. We're doing reports, there'll be reports from each country which dig in to the law down to the local level within the two cities we're looking at what the law is, in theory. But then we'll be supplementing that with empirical work which looks at how well that law is applied, how well it's understood, how easy it is to enforce it and we want to learn from good practice.

And the third aim, the last aim, is the one about perception and solidarity building, and this is to advance understanding of whether and why exclusionary public space is regarded as a minority issue. As regarded as an issue which is only of concern to a few

disabled people rather than a majority issue or a universal issue that actually should be relevant to everybody. And we want to raise awareness and build solidarity around the issue. Not just amongst the people who experience the problems, and there's a need for that. My understanding in the UK anyway is that there's quite a bit of separation between disabled peoples' organizations, older peoples' organizations and parents' organizations who are often all challenging similar problems. But also to build solidarity across countries and cultures and between the people experiencing the problems and other members of the public, and just get it onto the political agenda a little bit more. So those are the three aims.

**Peter Blanck:** That's brilliant, it is a brilliant project. I must ask though, and I sure that the EU and you are, of course, dealing with this. Coming back to the elephant analogy, I won't say the blind man touching different pieces of the elephant. How about people in a dark cave of all visual acuities touching different pieces of the elephant. Public transport, inclusive public space of course is crucial and a vehicle, sorry for the pun, to get places. But in our day and age, how will this work be integrated into transport, delivery, gig economy and all the things that inclusive public space housing are rights that are meant to increase our participation in society. Where does this fit into that?

**Anna Lawson:** That's a really good question, and it's interesting when you're writing a proposal for a research project often you have to narrow it down and create a focus. And I did end up excluding certain areas I would have liked to have included in this project had we had more funding. Although we're starting with streets, it's very much a starting point. I think a lot of the ideas, the methodology will be ones that I'd certainly like, and I hope with other people like you Peter and Barry, other people interested in these topics to take into other areas. But obviously we can't wait until the project finishes because it's a long project to do that, so I think it's important to have those conversations with people working in those areas. And for us to be reminded all the time of the fact that this is just one small part of the elephant and we do really need a joined up approach. Public space, it covers so many more areas than access to streets. Physical space though, the physicalness of streets and the interactions there, the fact they're shared with so many types of user

create an interesting background for problems because it is really about rules and guidance and practices for sharing a set space.

**Peter Blanck:** Yes, it really is about the skeletal construction of our inclusion in society. I'm reading a book now by a Yale professor about the coronavirus impact, and he and his team at Yale had developed, which I just downloaded, an app which provides you, based on your daily report, your risk and aspects in your community related to contracting or spreading COVID. I wonder if perhaps, beyond certainly the scope of this funding and this project, but the role of technology in all of this given we are so hooked now into geolocation and individual location identification and the opportunities for realtime technology-based AI that not only assesses these issues, but helps circumvent them.

**Anna Lawson:** Yes. That's one of the issues we're hoping to explore in the interviews and also later on in the project. I think it's developing at such a fast rate it's difficult to predict where technology might take us and how it might be useful. I myself use technology, I love the things, apps that give me directions to find places. But that doesn't help with some of the difficulties in the navigation of the route to get there, so I might know the way but at the moment I haven't found one that helps me very much with the practical obstacles of getting there.

But I can see already how certain apps, I use one called Be My Eyes which I absolutely love which is totally volunteer based. Millions of visually impaired people have signed up to this and many more millions of sighted volunteers have signed up to it, and you can just phone up. And I often end up speaking to people from the US, actually, because it's usually late in the day when I phone up so I tend to connect with people on the US timezone, and they can see through the back of the phone what's going on. and I tend to use it in the house but I know some of my friends use it when they're outside so they can show what's going on around them to somebody who can see, to ask them for information about what's going on. Is there a crossing post nearby? Is there a signpost with directions? Why is their guide dog refusing to move, is there something dangerous up ahead? It can give you an awful lot of confidence about going out on your own, that sort of app.

**Peter Blanck:** There is some irony, or perhaps there is a better word, in this day and age when we talk about inclusive public spaces. Of course many of us, and you're a distinguished lawyer, a member of the middle temple I believe, a bencher. And issues of privacy, big data, surveillance. Do we need to worry from a legal point of view, this is obvious we know the answer, we need to worry. But what do we have to say about that in the context of either disability law or more general law, particularly at this time where we're going to increasingly see this use of big data, surveillance, artificial intelligence, which is necessary to make inclusive public spaces more inclusive.

**Anna Lawson:** I think you're absolutely right, we need to worry. But I think if we look at this from a longer perspective and a disability perspective, many disabled people have had to compromise privacy in very intimate ways for a long time. I think it's quite helpful to bring that perspective to bear on current debates about privacy actually. I think one of the problems now is the potential power that the data can give to people and the leverage that can give to interfere with people's access to basic daily activities, basic participation in things they want to do in everyday life. I for one have had to have people that I don't know very well reading very intimate letters from my doctor which I feel deeply uncomfortable about them having access to. But if they don't provide information in accessible formats that's what happens. And then people who require assistance with washing and dressing, I think there are compromises always around privacy and assistance and I think information, understanding what the risks are is really important. There always need to be choices made.

**Peter Blanck:** Now you have a structure of course in place in the UK, the Equality Act and the related anti-discrimination laws on the basis of disability, we have the ADA. In the united States, and I'm sure it's similar in the UK, we have sophisticated, arguably, accessible ADA guidelines and all sort of directives from different state, local and county laws. But it often seems that not only enforcement is really where the problem occurs, but as it were the hearts and the minds of the community to really adopt inclusive public spaces, particularly at this time. Do you feel that your project will eventually go well beyond law to some sort of more general awareness raising, and certainly internationally?

**Anna Lawson:** That links to the third aim, that's really what we're pushing for with that third aim and that's a big part of the project. A big part of the problem, we think, is not necessarily solvable by laws, although they can help, but often it's individual's behavior; Just nipping their car onto a pavement because they want to go into a shop. Even if it's against the law, sometimes they'll still do it. Or putting their bins on pavements, blocking the way or not cutting back their branches that hang over pavements, sidewalks. We really want to, as well as targeting politicians and lawyers and people who are experiencing the problems to help them understand better maybe techniques for challenging and enforcing their rights, to raise awareness amongst the public more generally.

We've got various things in mind for doing this. One of them is virtual reality, which is a bit of an experiment. But we've got somebody, an engineer working on that at the moment. We've got a big pedestrian simulator in the University of Leeds where we can simulate the interactions between pedestrians and vehicles. But we'll also be taking that out on to headsets and software that can travel around the world a little bit more easily. And films, and audio stories. We're hoping to use these sorts of tools and to build up quite a library of the ones we create but maybe we know that other people, other activists around the world are putting together this kind of material themselves. So maybe to create a little bit of a hub where we can create links to the materials that other people are producing for themselves to raise awareness for the problems.

**Peter Blanck:** And those sorts of international dictionaries of course form the basis for, some day, we all may be wearing regardless of our visual skills, some form of Google Glass or some form of glasses in which your app Be My Eyes is integrated into that, as well as other so-called bells and whistles. I'm sure that's coming, but you raised another point, feel free to comment on that as well. I know that in the Inclusive Public Spaces project you have India, Kenya, the Netherlands, of course UK, United States. What sorts of commonalities do you think you will find and will you be able to draw commonalities or is it more of a cultural awareness that may vary very much by these different diverse communities. What do you expect to find in that regard?

**Anna Lawson:** I think there will be some commonalities and I think the international law helps us with some of the legal commonalities. The United Nations Convention on the Rights of Persons with Disabilities has been ratified by all of the countries taking part except the United States and that I think gives a good over-arching common language with which to talk about the issues, as do the sustainable development goals. So we're keen on having that internationally shared language and tool for change to work within. And then I wouldn't be surprised if we unearth quite a few differences as well as commonalities. So far, the only cities in which we've started carrying out the interviews are the two in the UK, Leeds and Glasgow and there have already been quite a few differences that have started to shine through. Because Leeds for instance early on took a view that it wouldn't allow shared space in the city whereas Glasgow hasn't and that's had an influence on who's doing the activism and how the activism is being done and the issues that are top profile.

And it will be really interesting to see how that pans out across all the cities that we're looking at. I think weather, climate will have a big impact as well, that will make surface issues in one city that aren't so relevant elsewhere. And I think also it's been very interesting talking to people in Kenya and India particularly, where issues of economics are so... They operate in a slightly different way than they seem to be doing in the US, the Netherlands and the UK. If people can afford to travel by car, to have a driver, they will do that rather than using public transport and walking. Whereas the walking agenda is I think growing in strength certainly in the UK and the Netherlands, and I think it probably is in the US too. And I think that has an impact on who experiences these problems and who's involved therefore in trying to challenge them and how those challenges are made. But I think understanding those differences is really important in terms of building solidarity and trying to develop something, an inclusive response across geographies and across cultures and economics.

**Peter Blanck:** Speaking of solidarity, we of course presumably have elected Joe Biden as our president. The United States Senate potentially is in play now if the Democrats were to win the Senate, president Obama signed the United Nations Convention on the Rights of Persons with Disabilities, the CRPD. The Senate chose not to ratify it, as is

required under our constitution of that check and balance. So we might see a change there, but I must ask you as somebody who is so versed and so recognized in the UN convention, what are the implications of the UN convention for either this awareness raising, change in law or obligations under the convention itself that go to these issues of inclusive public spaces?

**Anna Lawson:** I think it's been immensely useful to disabled peoples' organizations in the UK, I think, to have the language of the CRPD to frame campaigns around and to use the machinery that's set up by that convention to raise concerns at an international level that then come back to the government from a different direction. It can amplify the voice of civil society in quite an important way. Whether anything gets one is obviously a different matter, at the end of the day there is no compulsion on the governments to change. But I think it's a powerful tool in terms of advocacy and raising awareness of all sorts of issues and concerns and... Sorry, was there another part of the question Peter? I've forgotten the question!

**Peter Blanck:** I think you've answered it, the implications of the CRPD and if you see any implications in domestic laws as a result of the CRP on the horizon.

**Anna Lawson:** Yes. The UK, like the US I think, is a duelist country, so when we ratify a human rights treaty it doesn't become automatically enforceable by the courts. And therefore it's a bit more slow, I think, to penetrate into taking shape and influencing the way the law works in the country than it would be if a country was a more monist approach where the treaty automatically can be enforced by courts as soon as it's ratified. But it is undoubtedly influential, I think Wales is thinking about giving it some kind of role in terms of domestic lawmaking in Wales, as I think Scotland has looked at doing that too. And I think it strengthens the voice, it gives disabled peoples' organizations a central agenda to come together around. It took a while before it was very much used in the UK and I think it was only really when the UK's record on implementing disability rights was considered by the UN committee that civil society really came together around it. But there were 33 shadow reports from disabled peoples' organizations in the UK to that committee and that was a huge awareness raising exercise in itself about human rights.

And I think it creates the possibility for crossover and linkage between different disabled peoples' organizations working on different issues too.

**Peter Blanck:** Well Anna, even in this dire, unprecedented time I consider myself a very lucky and blessed person when I have the chance to talk to brilliant people like yourself. I know that for me it's an amazing interview when I could just converse all day with complete sense of comfort and learning from someone like yourself, so I thank you for that first of all and I know our listeners will thank you for that as well. I would like to tell our listeners that if you have any questions about this topic or other ADA live topics you certainly can submit them online at [www.adalive.org](http://www.adalive.org). Or call the southeast ADA center at 1-404-541-9001.

And we are very luck indeed Anna to learn from you, to be your partner and mostly to share this journey together which is touching so many people in such profound ways at this time, almost unprecedented in so many ways of not only of the disability rights movement, but of the human rights movement in general in this time. And we, all of us at the BBI and more broadly, thank you for your efforts, for your impact and for the opportunity to continue to dialogue with you going forward.

**Anna Lawson:** Thank you Peter, that is very generous. And I think we learn far more from you than you learn from us, and the United States is included in the project because of how much we're all still learning I think from the experiences of the ADA.

**Peter Blanck:** Well thank you again, I'll turn it over to our folks at the Southeast ADA center and BBI to take us home.

**Barry Whaley:** Great. Thank you Peter and Anna, thank you so much for being so generous with your time today, just a fascinating discussion. So we want to thank you for being our guest, and as a reminder listeners, you can submit your questions and comments for this episode online at [adalive.org](http://adalive.org). You can get access to all ADA live episodes on our website at [adalive.org](http://adalive.org). Every episode is archived with streamed audio, accessible transcripts and resources. You can also listen to ADA live on SoundCloud,

look for us at [soundcloud.com/adalive](https://soundcloud.com/adalive). You can also download ADA live to your mobile device, just look in the podcast app and search for ADA live.

Throughout this year we've asked you to celebrate, learn and share the important milestone of the 30th anniversary of the Americans with Disabilities Act as well as the 75th anniversary of National Disability Employment Awareness month and also the 100th anniversary of the Vocational Rehabilitation program. You can check out the ADA celebration toolkit at [adaanniversary.org](https://adaanniversary.org). The toolkit is a product of the Southeast ADA center and the ADA National Network, features logos, social media posts, monthly themes and other resources to keep the celebration going. Also, on a social media platform of your choosing, you can do #ThanksToTheADA to share what the ADA means to you, that moment in your life when you were thankful for the ADA. You can share that on any social media at #ThanksToTheADA.

Finally, as a reminder, if you have questions about the ADA you can submit your questions at any time at [adalive.org](https://adalive.org), or you can contact your regional ADA center at 1-800-949-4232. Remember, all calls are free and they're confidential. ADA live is a program of the Southeast ADA center. Our producer is Celestia Ohrazda with Beth Miller Harrison, Mary Morder, Emily Ruber, Marsha Schwanke and me, I'm Barry Whaley. Our music is from 4 Wheel City: The movement for Improvement. We'll see you next episode and please, be safe everybody.

**4 Wheel City:** (rapping)

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Disclaimer: The contents of this publication are developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant #90DP0090-01-00). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this publication do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

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