

# THE RIGHT TO UNIVERSAL ACCESSIBILITY

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**Abstract:** This paper presents universal accessibility from a human rights perspective. This approach provides a comprehensive view of universal accessibility, which can be considered as a specific right or as part of the essential content of any right. Despite its self-evident justification, this right is not legally recognized.

**Keywords:** Universal accessibility, human rights, universal design, reasonable accommodation.

**SUMMARY:** 1. RESTRICTED OR WEAK SENSE VS. BROAD OR STRONG SENSE OF UNIVERSAL ACCESSIBILITY. 2. THE ACCESSIBILITY AXIS: UNIVERSAL DESIGN AND REASONABLE ACCOMMODATION. 3. THE LIMITS OF ACCESSIBILITY. 4. THE RIGHT TO ACCESSIBILITY. 5. FINAL CONSIDERATIONS: ACCESSIBILITY AS A SELF-EVIDENT RIGHT.

Accessibility is a basic concept in any context (Kalbag, 2017). Generally speaking, we seek to make everything accessible: products, environments, services, goods, rights... Moreover, making things accessible is profitable from an economic point of view. Therefore, making something inaccessible usually requires justification.

If the history of human rights can be described as a fight against discrimination, it is fair to say that accessibility (or access to the enjoyment of rights) has played a major role. The enjoyment of rights requires the possibility of access, and its absence may imply discrimination.

The fight against barriers underpins the three major currents of thought at the origin of the modern history of human rights (Peces-Barba y Fernández, 1998). First, the need to limit political power can be understood as an attempt to eliminate its barriers to individual freedom. Second, the idea of tolerance seeks to eliminate certain religious barriers. Third, the proposals to humanize criminal and procedural law are aimed at suppressing regulations—legal barriers—that prevent an adequate protection of rights, in addition to putting an end to practices and rules against human dignity. Thus, the elimination of barriers translates into a search for access to certain goods that are considered valuable and that justify the existence of rights.

The fight against barriers and the quest for access to goods is a constant in the different historical processes of rights (positivization, generalization, internationalization and specification). Their common aim is to eliminate barriers that prevent enjoyment and protection. In this context, accessibility goes hand in hand with equality and universality, two major referents of the rights discourse.

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The connection between accessibility and non-discrimination stresses the importance of this requirement for people and groups in vulnerable situations. If we recognize disability as “an evolving concept [that] results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (UN Convention on the Rights of Persons with Disabilities, CRPD), then lack of accessibility can often be a cause of disability.

Although a universal requirement, accessibility fully realizes its purpose in relation to disability—linked to the idea of possibility as a discourse against discrimination. Thus, possibility and non-discrimination are two references in the reflection on the rights of persons with disability (Barranco, 2021: 25). The former, as an alternative to the “hegemony” of ability—or, put another way, to the construction of the human from the abstract discourse of ability (Campoy, 2004: 59). The latter, as a call for attention to the artificial and unnatural situation in which persons with disability find themselves.

However, despite the importance of this requirement, very few legal texts refer to accessibility as a right. At this point, can be cited, the Inter-American Convention on the Human Rights of Older Persons (2015), which recognizes the "right to accessibility and mobility" of older persons in its Article 26.

The main purpose of this paper is to argue that universal accessibility can be interpreted as a right. To do so, I will begin by explaining its meaning and scope.

## **1. RESTRICTED OR WEAK SENSE VS. BROAD OR STRONG SENSE OF UNIVERSAL ACCESSIBILITY**

Article 9 CRPD refers to universal accessibility in the following terms: “To enable persons with disabilities to live independently and participate fully in all aspects of life, 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 rural areas.” However, accessibility can also be found in other provisions, such as the right to access to information (articles 9 and 21), personal mobility (article 20), education (article 24), health (article 25), employment (article 27), social protection (article 28), political participation (article 29) or participation in leisure, culture and sports (article 30). The same applies to the Spanish General Act on the Rights of Persons with Disabilities and their Social Inclusion (*Ley General de los Derechos de las Personas con Discapacidad y de su Inclusión Social*, LGDPD). Article 2 LGDPD defines accessibility in terms similar to the CRPD, but the concept is subsequently linked to areas such as telecommunications and the information society; urbanized public spaces, infrastructure and buildings; transportation; goods and services available to the public; relations with public authorities; the administration of justice; cultural heritage; employment. It is also present in decision-making (art. 6), health (art. 10), education (arts. 16 and 18), professional activity (art. 17), building (arts. 25 and

26), justice (art. 28), employment (art. 35 et seq.), social protection (arts. 48 et seq.), and political participation (arts. 53 et seq.).

Universal accessibility has therefore two meanings: one restricted or weak, and another broad or strong. The restricted or weak sense of accessibility, which applies to “products, environments, programs and services,” implies “access [by persons with disabilities], 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” (art. 9 CRPD). On the other hand, the broad or strong sense of accessibility is derived from the three rights invoked as justification by article 9 CRPD: independent living, participation in social life, and equal opportunity. The broad or strong sense of accessibility implies access to all goods and rights. It connects with the idea of capacity and underscores its dimension as a possibility—or, in other words, as the right to have rights.

This second sense of accessibility—projected and embodied in specific rights—is often overlooked. However, it is a core element of the concept.

## **2. THE ACCESSIBILITY AXIS: UNIVERSAL DESIGN AND REASONABLE ACCOMMODATION**

The concept of “accessibility axis” provides a framework to identify the system of rights of persons with disabilities, composed of universal design and reasonable accommodation (De Asís, 2016a: 51).

According to article 2 LGDPD, accessibility is based on a strategy of “universal design, without prejudice to reasonable accommodation”. Thus, in a comprehensive sense, accessibility is expressed in two ways: (i) as universal design (requirement that all products, environments, services, goods and rights be accessible); and (ii) as reasonable accommodation (requirement to make a product, environment, service, good or right accessible for a particular case where the lack of universal design is justified).

Universal design in the strict sense coincides with the definition under the CRPD: “the design of products, environments, programs and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.” In any case, it is important to note that the LDGPD adds more dimensions in line with its understanding of accessibility: processes, goods, objects, instruments, devices, tools...

It constitutes an obligation when creating products, environments, programs and services (and rights). Therefore, it applies (and may be breached) at the moment of creation.

The obligation to comply with universal design requirements is not only incumbent on public authorities, but on all persons involved in the creation of goods and products, in the performance of a service or in the fulfillment of a right.

A classic example of universal design is adapted toilets. But the presence of sign language interpreters at conferences is also universal design. Likewise, the existence of personnel who can support or assist people with disabilities in public institutions or in court is universal design.

Universal design is expressed in three ways: in a strict proper sense, in a strict improper sense, and as accessibility measures.

In a strict proper sense, universal design conveys a general obligation with general addressees: to take into consideration the access of persons with disabilities in the very configuration of anything.

In a strict improper sense, it implies carrying out specific accessibility actions for groups of people with disabilities. Both the CRPD and the LGDPD clarify that universal design will not exclude support products for particular groups of persons with disabilities when needed. Hence, we speak of improper universal design when referring to specific measures intended for groups of people.

Universal design as accessibility measures implies carrying out actions aimed at guaranteeing access to already configured elements by all persons with disabilities or by groups of persons with disabilities. Accessibility measures do not appear as such in the CRPD. The Committee on the Rights of Persons with Disabilities has implicitly referred to them in point 24 of General Comment No. 2: “A clear distinction should be drawn between the obligation to ensure access to all newly designed, built or produced objects, infrastructure, goods, products and services and the obligation to remove barriers and ensure access to the existing physical environment and existing transportation, information and communication, and services open to the general public.” Arts. 63, 65 and 66 LGDPD refer in this sense to accessibility requirements and the elimination of barriers. These actions seek to correct situations where there is a justified lack of universal design—i.e., because it was not possible. They are aimed at making the product, environment, program, service and/or rights usable, exercisable, practicable, understandable. Accessibility measures are intended to fulfill universal accessibility. They are implemented through general measures when the product, environment, program or service (or right) has already been created—justifiably, in a non-accessible manner.

Both improper universal design and accessibility measures seek to correct situations where accessibility has not been achieved in a justified manner, that is, because it was not possible (or reasonable).

Reasonable accommodation is one of the most relevant instruments within the system of rights of persons with disabilities. Hence the importance of analyzing its meaning and scope.

Article 2 CRPD defines reasonable accommodation as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise

on an equal basis with others of all human rights and fundamental freedoms.” LGDPD provides a similar definition in article 2(m): “necessary and appropriate modifications and adaptations of the physical, social and attitudinal environment to the specific needs of persons with disabilities that do not impose a disproportionate or undue burden, when required in a particular case in an effective and practical manner, to facilitate accessibility and participation and to ensure the enjoyment or exercise, on an equal basis with others, of all rights.”

Although almost equivalent, these definitions differ in one significant point: their relationship to accessibility. The CRPD does not mention accessibility, while it is a basic element in LGDPD’s definition. The Convention’s approach to accommodation seems to be independent of the idea of accessibility. Indeed, the UN Committee on the Rights of Persons with Disabilities stated the following in its General Comment No. 2 on art. 9 (2014): “The duty to provide reasonable accommodation is an *ex nunc* duty, which means that it is enforceable from the moment an individual with an impairment needs it in a given situation, for example, workplace or school, in order to enjoy her or his rights on an equal basis in a particular context. Here, accessibility standards can be an indicator, but may not be taken as prescriptive. Reasonable accommodation can be used as a means of ensuring accessibility for an individual with a disability in a particular situation. Reasonable accommodation seeks to achieve individual justice in the sense that non-discrimination or equality is assured, taking the dignity, autonomy and choices of the individual into account. Thus, a person with a rare impairment might ask for accommodation that falls outside the scope of any accessibility standard.”

The above shows that the concept of reasonable accommodation is far from univocal. This lack of clarity that the UN Committee itself has referred to on several occasions (see for instance its 2011 report on Spain) is also present in the literature, regulations and case law.

As is well known, the origin of reasonable accommodation is to be found in the United States (Equal Employment Opportunity Act, 1972) and Canada (Supreme Court decision, *Ont. Human Rights Comm. v. Simpsons-Sears*, 1985), in the field of working conditions and in relation to the right to freedom of religion.

In Europe, Directive 2000/78/EC of 27 November 2000 defined reasonable accommodation as “appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer. This burden shall not be disproportionate when it is sufficiently remedied by measures existing within the framework of the disability policy of the Member State concerned.”

Unjustified non-compliance with the duty to provide reasonable accommodation amounts to real discrimination. According to article 5(3) CRPD, “in order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.” For its part, article 63 LGDPD provides that

“it shall be understood that the right to equal opportunities of persons with disabilities, defined in article 4(1), is violated when, on the grounds of or because of disability, there is direct or indirect discrimination, discrimination by association, harassment, failure to comply with the requirements of accessibility and to make reasonable accommodation, as well as failure to comply with legally established affirmative action measures.”

Two issues stem from the concept of reasonable accommodation (De Asís, 2016b: 42). The first one has to do with enforceability, while the other refers to its projection. From the point of view of enforceability, the very definition of reasonable accommodation provides for the possibility of being limited when it entails a disproportionate burden—which suggests that this requirement can be easily ignored. That is probably why the accommodation approach is not often used or praised by organizations defending the rights of people with disabilities. However, this need not be the case. Taking accommodation seriously and placing it within the human rights discourse does not have that consequence. Every right is limited, and this is true for accessibility as well as for accommodation. Nevertheless, in both cases the limits are set by other rights.

As regards its projection, reasonable accommodation is a measure that takes concrete form and materializes in relation to a specific person and case. Therefore, a correct definition of reasonable accommodation refers to an individual person, even it may also serve or target a group of people in certain cases.

Normally, reasonable accommodation takes on its meaning when universal accessibility cannot be (justifiably) fulfilled, either through universal design or accessibility measures. Reasonable accommodation comes into play, then, as an individual action in the absence or impossibility of universal design and accessibility measures. As we have seen, accessibility measures also operate when universal design requirements have not been met, but unlike accommodation, they are general in scope.

The first step in accessibility is universal design. Thus, when design fails (justifiably), the strategy must be to make the product, environment, service or right accessible to the greatest number of people (for example, through accessibility measures). And if this strategy fails (again justifiably), reasonable accommodation comes into play.

It will have been noticed that, in this description of the accessibility axis, the requirement of justification takes on a special prominence. Universal design becomes a requirement that can only be violated if it is justified. Only then can reasonable accommodation come into play, which in turn can only be set aside in a justified manner. In all these cases, when there is no justification, we will be faced with a situation of discrimination and, as we will see, non-fulfillment of a right.

### **3. THE LIMITS OF ACCESSIBILITY**

If the lack of universal design or reasonable accommodation can be justified in certain cases, we must consider the limits of accessibility.

The axis of universal accessibility may be limited by two types of circumstances that can be referred to as the limits of the possible and the limits of the reasonable. The limits of the possible have to do mainly with the state of scientific knowledge and human diversity, but also with how rights are affected. On the other hand, the limits of the reasonable refer to situations where accessibility is not justified, for affecting other rights and goods or representing a disproportionate cost.

From the point of view of the limits of the possible, failing to comply with universal design requirements is only justified when (a) there is no alternative (lack of knowledge or technical means); or (b) it may affect another fundamental right or good that takes precedence based on a proportionality assessment. In both cases, those who fail to comply with universal design must provide a justification.

Lack of accessibility may be justified in the first instance by ignorance of human diversity or by an attitudinal issue, but in both cases the solution is to correct the situation and ensure accessibility. Otherwise, a right will be violated and/or discrimination will occur.

The limits of the reasonable are most relevant in relation to reasonable accommodation, although, as we have just seen, they also appear in the other dimensions of accessibility. And this is so because rights find their limits in other fundamental rights and interests: when there is a conflict between rights, we are forced to make a reasonableness or proportionality assessment.

The requirement of reasonableness in the field of accessibility and accommodation is twofold. First, it implies some sort of justification of the adjustment in question within the universal accessibility approach. Accommodation is justified by the universal accessibility requirement and its reasonableness derives from it. In these cases, accessibility is lacking because universal design was not possible or reasonable. However, the adoption of a specific measure (accommodation) may be reasonable. In these circumstances, universal design is not reasonable, but accommodation is (in principle due to its lesser impact on rights or property). This dimension of reasonableness is a conceptual requirement of accommodation. Failing that, accommodation will not be reasonable.

The second dimension of reasonableness refers to the specific adjustment and its repercussion. Reasonableness can thus become a limit to the accessibility approach. In this sense, it involves leaving out certain measures that, although necessary to achieve accessibility, are no longer justified when other parameters are taken into account. In these cases, accommodation has an excessive impact on some rights or assets. The principle of proportionality makes it possible to assess whether the specific adjustment (accommodation) entails a disproportionate or undue burden.

In a way, reasonableness operates as a double test on accessibility: first, regarding the justification of a universal measure that allows general access to a good or service; second, in relation to a single measure that allows particular access to a good or service. Thus, the reasonableness of the adjustment implies, on the one hand, justifying the failure

in the universal design, and on the other hand, justifying the measure that constitutes the adjustment. In other words, an accommodation is reasonable when both the lack of accessibility and its implementation are justified.

If the lack of accessibility is not justified, the accommodation is not appropriate—since there is a right violation or a discrimination that must be corrected. Accommodation cannot be used to circumvent universal design requirements, nor can it become a strategy to hide real cases of discrimination in the enjoyment of rights or on the basis of disability.

In any event, regardless of the specific criteria under each legal system, reasonableness requires a proportionality assessment, as was also the case with the limits of the possible. Indeed, the very definition of accommodation refers to a disproportionate or undue burden, including those of economic nature.

In order to determine the reasonableness or proportionality of a measure aimed at complying with the accessibility requirements, we must analyze its impact on other rights. This, in turn, implies: (a) considering the situation (social, economic, etc.) of all persons involved; (b) linking the measure (complying with or restricting accessibility) with a constitutional purpose (to defend or limit it); (c) proving that the measure (complying with or restricting accessibility) is suited for that purpose; (d) justifying that the measure (complying with or restricting accessibility) is the least harmful and the most beneficial to the rights of the persons involved.

#### **4. THE RIGHT TO ACCESSIBILITY**

Accessibility requirements, materialized in the interplay between universal design and reasonable accommodation (accessibility axis), make it possible to understand accessibility as a right. Despite its self-evident nature (or precisely because of it), legal systems do not always recognize this right as such. However, its significant role in the fight against discrimination and for human rights allows to include it in this category (Bariffi, Aiello, Campoy, De Asís and Palacios, 2007). This is even clearer in the field of disability, considering that it often results from lack of accessibility (i.e., violation of the right to universal accessibility).

General Comment no. 2 of the UN Committee on the Rights of Persons with Disabilities relates universal accessibility to the right to access. As is well known, this right is enshrined in article 5(f) of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination: “The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.”

Incorporating universal accessibility into the rights discourse has two major consequences: its consideration as a right per se, and its consideration as part of the essential content of other rights. The first is related to the restricted or weak sense of accessibility explained above, while the second refers to the broad or strong sense.

As a right per se, accessibility means the right to access to goods, products, environments and services. This is a welfare right connected to the rights of consumers



and users,<sup>2</sup> with a specific dimension in the field of persons with disabilities—since they can be considered vulnerable consumers.

Accessibility as part of the essential content of rights can have different implications. As a matter of principle, in this area, accessibility is inherent to the essential content of all rights, including fundamental rights. It translates into measures enabling access, use and enjoyment of a right. As noted by the Spanish Constitutional Court in its judgment of April 8, 1981, the essential content of a right is violated “when the right is subject to limitations that make it unenforceable, unreasonably hinder its enjoyment, or deprive it from the necessary protection.”

The possibility of accessing a court or understanding the meaning of a process are preconditions that allow the exercise of the right to effective judicial protection and, in this sense, are part of the essential content of this right. The possibility of accessing an educational center, sharing spaces or having access to educational materials and contents are also requirements of inclusive education and, therefore, of the essential content of the right to education. Support and assistance may also form part of the essential content of the rights and, therefore, their absence may imply a violation.

However, some accessibility requirements that make possible the exercise of a right have become rights per se. The scope of these rights can be very different. Let us consider, for example, the right of access to justice or the right to an interpreter (both can be understood as a specific manifestation of the right to due process, and the latter even as an embodiment of the former).

## **5. FINAL CONSIDERATIONS: ACCESSIBILITY AS A SELF-EVIDENT RIGHT**

In a way, the right to accessibility is part of a category of self-evident rights that, despite their obvious justification, are not recognized as such in legal systems.

As is well known, the 1776 Declaration of Independence of the United States of America begins with the following statement: “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.” And it continues: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these

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<sup>2</sup> Consumer protection is becoming a private enforcement system, allowing to react against accessibility and discrimination violations in this area. However, it is not the best way to enforce these rights, because fundamental rights, strictly speaking, have to do with relations between citizens and public authorities, which should leave private relations out of this discourse.

ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

In 2009, historian Lynn Hunt published *Inventing Human Rights* (Hunt, 2009). She referred to what she called the paradox of self-evidence, relating the above text to the 1789 French Declaration of the Rights of Man and of the Citizen, and its opening statement: “The representatives of the French people, organized as a National Assembly, believing that the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments, have determined to set forth in a solemn declaration the natural, unalienable, and sacred rights of man, in order that this declaration, being constantly before all the members of the Social body, shall remind them continually of their rights and duties; in order that the acts of the legislative power, as well as those of the executive power, may be compared at any moment with the objects and purposes of all political institutions and may thus be more respected, and, lastly, in order that the grievances of the citizens, based hereafter upon simple and incontestable principles, shall tend to the maintenance of the constitution and redound to the happiness of all.”

For Hunt, both texts, and later ones such as the 1948 Universal Declaration of Human Rights, are based on a claim of evidence that gave rise to the paradox of self-evidence. In this sense she notes that “this claim of self-evidence, crucial to human rights even now, gives rise to a paradox: if equality of rights is so self-evident, then why did this assertion have to be made and why was it only made in specific times and places? How can human rights be universal if they are not universally recognized? Shall we rest content with the explanation given by the 1948 framers that ‘we agree about the rights but on condition no one asks us why?’” (Hunt, 2009: 19-20).

The paradox of self-evidence raises questions about the concept (what they are) and the basis of rights (why and what for), about their different denominations, about their history, and about their protection mechanisms—in short, about the theory of human rights.

Obviously, I cannot address these issues here. Nor can I, for reasons of space, develop a comprehensive discourse on the subject. I merely seek to explore a situation in which I repeatedly find myself when I refer to human rights in certain contexts: that of self-evident rights.

I have begun with Hunt because, in a way, self-evident rights arise from a paradox of self-evidence, albeit with a different meaning than that expounded by the professor of history at the University of California. What I call self-evident rights are inalienable goods and interests of the human rights discourse that are not, however, protected by legal instruments. Hence the paradox.

Domestic legal systems and international standards have gradually recognized rights, setting up a catalog that was initially structured in three major categories (individual

and civil rights; political rights; and economic, social and cultural rights), which the emergence of new human rights has rendered insufficient.

However, this open catalog of human rights seems to have ignored certain rights that for anyone who identifies with the values and principles of the human rights discourse are undoubtedly human rights. These goods, interests, claims or human needs are part of this discourse. Some people already enjoy them, but not others, and if these rights are not fulfilled, it will hardly be possible to pursue a dignified human life. They are self-evident rights, obviously as human—but also fundamental—rights.

These rights that I call self-evident are goods, interests, claims or needs that derive from the concept and foundation of human rights, and that are part of the universal and basic culture of rights (De Lucas, 2018: 26). Their lack of formal recognition constitutes a major barrier to the development of a dignified human life.

As I have just pointed out, some people do not need the legal protection to enjoy or guarantee these rights. Normally, these are people who fit the prototypical human being model that is the reference point for the human rights discourse. But sometimes these rights are not even recognized for these people.

One of these rights is precisely the right to universal accessibility.

In any case, considering accessibility as a right in the context of disability implies taking seriously the fact that disability must be analyzed and regulated from a human rights approach (Cuenca, 2015: 35). For this purpose, among other things, the following 15 requirements should be met:

- (a) Placing people at the center and recognizing that every person has their own voice.
- (b) Recognizing that every person has the right to the free development of their personality and to the free choice of how to live.
- (c) Assuming that a person's identity is the combination of condition and situation.
- (d) Beginning from a truthful, rigorous and accurate analysis, which has as its starting point the defense of those in a situation of vulnerability, and which is action oriented.
- (e) Adopting a gender perspective (women are in a differentiated situation in the enjoyment of human rights as a result of historically unequal power relations).
- (f) Considering intersectionality (axes of discrimination that, in an intertwined and differentiated manner, have an impact on individuals depending on various factors).
- (g) Abandoning the welfare approach conditioned by the development of proactive public policies.
- (h) Considering that rights are particularly resistant instruments, in the sense of being both a guide and a limit to law making, as well as especially protected tools enforceable in national and international courts.

- (i) Advocating for rights in both the public and private spheres.
- (j) Affirming the existence of an obligation to respect and protect rights which, in the case of public authorities (and certain private agents), is also an obligation to promote, redress and be accountable.
- (k) Taking into consideration international human rights law (composed of treaties, enforcement bodies and international tribunals) in the interpretation and specification of its scope.
- (l) Understanding that the equal fulfillment of rights and their universality are not incompatible with different treatment or attention to diversity.
- (m) Rejecting segregation and promoting inclusion which, beyond integration, implies changing the context instead of the person and promoting the participation of all people.
- (n) Accepting that rights can be limited, but only by other equivalent rights or interests, and based on weighting and proportionality assessments. This implies, for example, that any cost-based justification of a right's limitation must be grounded on the fulfillment of another right.
- (o) Understanding that the interests protected by rights are connected and interdependent (progress in the protection of a right favors all, and regression harms all).

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