Internet Justice: Reconceptualizing the Legal Rights of Persons with Disabilities to Promote Equal Access in the Age of Rapid Technological Change

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Abstract
Although a range of laws and regulations have been created in the United States to promote online accessibility for persons with disabilities, tremendous disparities persist in access to Internet technologies and content. Such inaccessibility is an enormous barrier to equality and participation in society for persons with disabilities. The current legal approaches to online accessibility have not proven successful, focusing on specific technologies and technical solutions to accessibility. This paper argues for a reconceptualization of the approach to promoting legal guarantees of online access for persons with disabilities, focusing on information and communication goals, the processes of accessing information, and new approaches to monitoring, guidance, and enforcement. Without a broader conception of accessibility under the law, persons with disabilities risk being increasingly excluded from the technologies and content of the Internet that are coming to define social, educational, employment, and government interactions.

References


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(g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet; (h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost. 2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. 3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. Dignity Freedoms Equality Solidarity Citizens’ rights Justice. The manuscript was finalised in February 2013. The right to equal recognition of a person before the law is a long-established human rights principle reflected in national and international legal frameworks, which nonetheless coexists with regimes that abridge, under certain conditions, the legal capacity of persons with intellectual disabilities and persons with mental health problems. Article 12 of the CRPD recognises that persons with disabilities are “persons before the law” and have legal capacity on an equal basis with others. The convention facilitates a shift away from ‘substituted decision-making’ towards more individually tailored systems of support.