Accessibility and Social Protest: State Obligations for Inclusive Civic Participation in Public Space

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ABSTRACT:

The right to protest and the rights of persons with disabilities have developed through legal frameworks that often operate separately. This study examined how the two sets of rights should coexist when a demonstration occupies public space. A qualitative documentary design, supplemented by doctrinal legal and public-policy analysis, was applied to a purposive corpus of 18 international instruments, domestic rules, judicial decisions, and institutional reports published between 2006 and 2024. Deductive-inductive thematic analysis identified five findings: fragmented normative recognition; more developed protection of persons with disabilities who participate in protests; the relative invisibility of non-participants who need to travel or access services; the continuous nature of State accessibility obligations; and the absence in Peru of a specific protocol for the inclusive management of demonstrations. The article proposes an Accessibility Protocol for Public Demonstrations based on accessible information, functional pedestrian corridors, alternative routes, interagency coordination, individualized support, continuity of essential services, and enhanced proportionality review. It concludes that the appropriate constitutional response is not to give abstract priority to protest or mobility, but to impose positive duties of design, facilitation, and accommodation on the State so that both rights can coexist without disproportionately shifting the burden to persons with disabilities or organizers.

Keywords: accessibility; disability; public space; social protest; positive obligations.

1. Introduction

Social protest is a form of civic participation through which individuals and groups make demands visible, challenge public decisions, and contest the symbolic and material use of shared space. The activity of this right is closely connected with freedom of speech and assembly, political engagement, and protection of other rights. At the same time, the public space serves the important function of assuring the independence, movement, and inclusion of people with disabilities. When streets, squares, stations, or sidewalks are occupied during a demonstration, these two normative dimensions intersect: the city functions simultaneously as a forum for collective expression and as a network providing access to services, care, education, work, and community life.

The issue should not be framed as an opposition between "protest" and "disability." Persons with disabilities also protest and have used public forms of mobilization to demand equality, deinstitutionalization, accessibility, and political recognition (Barnartt, 2024; Charlton, 1998;

Kubicki, 2019). Their bodies, assistive devices, and forms of communication can transform the meaning of protest space, while also revealing urban and organizational barriers that exclude those who do not conform to an assumed autonomous, mobile, and sensorily homogeneous protester (Butler-Rees & Power, 2025; Hamraie, 2017). Guaranteeing peaceful assembly therefore requires the removal of physical, communication, attitudinal, and procedural barriers.

There is, however, a second and less developed situation. A person with a disability may not participate in the demonstration and may nevertheless be particularly affected by blockades, unexpected route changes, the suspension of accessible transport, intense noise, the absence of signage, interruptions of support, or an inability to reach health, educational, and care services. These effects cannot be attributed solely to the protest: they may be caused or aggravated by deficient State decisions, inadequate planning, institutional uncoordination, or police responses that indiscriminately close urban space. The environment "disables" when its physical and regulatory organization fails to account for diversity in human functioning (Butler & Bowlby, 1997; Garland-Thomson, 2011; Kitchin, 1998).

The Convention on the Rights of Persons with Disabilities (CRPD) recognizes equality and non-discrimination, accessibility, personal mobility, and participation in political and public life (United Nations, 2006). The Committee on the Rights of Persons with Disabilities has clarified that accessibility is an ex ante, general duty implemented progressively for groups, whereas reasonable accommodation consists of individualized measures that are immediately enforceable when required (Committee on the Rights of Persons with Disabilities, 2014, 2018). The right of peaceful assembly, in turn, requires States not only to refrain from arbitrary interference but also to facilitate and protect assemblies (Human Rights Committee, 2020; Inter-American Commission on Human Rights [IACHR], 2019).

Colombian constitutional jurisprudence took an important step by recognizing that persons with disabilities must be able to protest on an equal basis and that the State must remove barriers and adopt affirmative measures (Constitutional Court of Colombia, 2024). Likewise, the CRPD Committee's concluding observations on Peru required a disability perspective to be incorporated into State action related to political conflict and the exercise of peaceful assembly (Committee on the Rights of Persons with Disabilities, 2023). Nevertheless, legal development remains focused on persons with disabilities as protest participants and provides few answers for non-participants who need to travel or access goods and services while public space is occupied.

In Peru, the Constitutional Court has recognized the fundamental right to protest and has stated that its exercise must be harmonized with other constitutional rights and interests (Constitutional Court of Peru, 2020, 2024). In parallel, the General Law on Persons with Disabilities, its implementing regulation, and the National Multisectoral Disability Policy for Development to 2030 establish accessibility and participation obligations (Congress of the Republic of Peru, 2012; Presidency of the Republic of Peru, 2014, 2021). However, the police and administrative framework applicable to demonstrations contains no integrated procedure that ensures accessible participation and continuity of mobility for those who are not protesting.

The scientific and regulatory gap is therefore asymmetric: there are grounds for facilitating protest by persons with disabilities, but the positive duties incumbent on the State when the management of a demonstration alters accessible itineraries, support arrangements, or access to services have not been systematized. This study aimed to analyze the State obligations that make it possible to reconcile the right to protest with the accessibility and mobility of persons with disabilities, whether or not they participate, and to formulate an Accessibility Protocol for Public Demonstrations applicable to the Peruvian context. The research question was: What legal and operational criteria should the State adopt to

guarantee, on an equal basis, the coexistence of the exercise of protest with the accessibility, mobility, and participation rights of persons with disabilities?

2. Methodology

2.1. Research Design

Qualitative documentary analysis, together with doctrinal legal analysis and public-policy analysis, was elected as a methodology in the research. It enabled to learn the contents, meaning, coherence, and practical implementation of the State duties based on various sources of law and discover the points of incongruence. A phenomenological design was not adopted because the object of study consisted of public documents rather than lived experiences collected through interviews.

2.2. Documentary Corpus and Selection Criteria

The purposive corpus comprised 18 documents published between 2006 and 2024: international instruments, treaty-body interpretations, constitutional case law, Peruvian laws, public policies, and institutional reports. Official full-text documents were included when they addressed at least one of the following dimensions: peaceful assembly, protest, equality and non-discrimination, accessibility, personal mobility, public participation, police action, or State management of social conflict. News reports, unofficial summaries, duplicate documents, rules without a direct relationship to the problem, and merely descriptive texts lacking normative or institutional authority were excluded.

Table 1. Composition of the Documentary Corpus

Category	Documents included	n	Analytical purpose
Treaties and treaty-body doctrine	CRPD; General Comments Nos. 2, 4, and 6; Human Rights Committee General Comment No. 37.	5	Treaties and treaty-body doctrine
International reports	Maina Kiai report (2014); IACHR report on protest (2019).	2	To identify facilitation duties and barriers affecting historically excluded groups.
International assessment of Peru	CRPD Committee concluding observations (2023); IACHR report on protests in Peru (2023).	2	To examine specific recommendations concerning social conflict.
Comparative case law	Judgment C-090/2024 of the Constitutional Court of Colombia.	1	To reconstruct affirmative measures for protesters with disabilities.
Peruvian case law	Case No. 0517-527-PI/TC; Case No. 0517-527-PHC/TC.	2	To delimit the constitutional content and limits of protest.
Peruvian laws and policies	Constitution; Law No. 29973; Supreme Decree No. 517-527-MIMP; Supreme Decree No. 517-527-MIMP; Ministerial Resolution No. 517-527-IN.	5	To compare accessibility, mobility, public policy, and police action.
National oversight	Ombudsman Report No. 190 on political crisis and social protest.	1	To identify failures of coordination and differentiated protection.

Note. Prepared by the author. The corpus comprised 18 official documents.

2.3. Instrument and Procedure

An extraction matrix was developed with eight fields: document identification; issuing authority; protected right or interest; protected subject; State obligation; identified barrier; implementation measure; and implications for reconciling the rights. Searches were conducted in the official repositories of the United Nations, the Organization of American States, the Constitutional Court of Colombia, the Constitutional Court of Peru, the Peruvian Congress, the Ministry of Women and Vulnerable Populations, the Ministry of the Interior, and the Ombudsman's Office. The corpus closing date was December 31, 2024, in order to work with a complete and verifiable period.

2.4. Analysis and Qualitative Rigor

The analysis combined deductive categories - equality, accessibility, mobility, participation, State facilitation, restrictions, and proportionality - with inductive categories that emerged from comparative reading. Four phases were followed: full reading and recording of relevant units; initial coding; grouping into themes; and legal-interpretive synthesis. Traceability was assured by establishing a grid that connects each discovery with its sources. Laws, case law, and reports from institutions were triangulated, and elements that contradict or challenge the original hypothesis were consciously searched for. The proposed protocol was developed from requirements and failures identified in the text, separating current regulations from the recommendations of the study.

2.5. Ethical Considerations

This research relied on publicly accessible texts and required no human test subjects, no personal information, and no experimental treatment; therefore, neither consent for the study nor permission of any committee on ethics in research was needed. The official documents were used.

3. Results

3.1. Robust but Fragmented Recognition of the Rights at Stake

It was discovered that there are two normative orders which are generally out of touch with one another. The Human Rights Committee (2020) and the Inter-American Commission on Human Rights (2019) have established that peaceful assembly implies a presumption in favor of protest, obligations for facilitation and strict limits on restriction. The Committee on the Rights of Persons with Disabilities however states that the rights of persons with disabilities imply universal accessibility, reasonable accommodation and the right to substantive equality, which also follow from the Convention on the Rights of Persons with Disabilities (UN, 2006). Nevertheless, the documents generally examine protest through the lens of public order and disability through services, infrastructure, or social policy. The absence of a relational framework leaves unanswered the question of who must anticipate and correct the barriers that emerge when the two fields coincide.

This fragmentation matters because accessibility is not limited to permanent construction. It encompasses information, communication, transport, signage, technologies, procedures, and the ability to use services on an equal basis. Consequently, a temporary diversion, an inaccessible station, or an emergency communication delivered exclusively through visual or oral means may produce legally significant exclusion. As Degener (2016) explains, substantive equality requires consideration of the differentiated impact of apparently neutral decisions, an approach also developed by Fredman (2016) and Kayess and French (2008).

3.2. More Developed Protection of Persons with Disabilities as Protest Participants

The second finding was that the most developed protection concerns persons with disabilities who wish to protest. Special Rapporteur Maina Kiai's report identified barriers that exclude marginalized groups from exercising assembly rights and called for concrete facilitation measures (Special Rapporteur on the rights to freedom of peaceful assembly and of association, 2014). The Constitutional Court of Colombia (2024), in Judgment C-090/2024, moved in the

same direction by rejecting approaches that devalue the forms of protest used by persons with disabilities and by requiring affirmative measures. This development supports operational obligations: physically accessible venues; communication in accessible formats; interpreters and support when required; dialogue procedures that do not exclude Deaf or blind persons or persons with intellectual or psychosocial disabilities; and police action that takes account of assistive devices, sensory needs, and risks of disorientation. Executing the absence of a ban does not mean achieving equality. Participation can happen if the environment is designed correctly and there is proper distribution of support. Hamraie (2017) shows how urban design enables effective inclusion. Different authors approach this theme in various ways: for instance, Mitra (2006) explains the connection using capability theory while Pineda (2020) studies the ability of being inclusive in urban planning.

3.3. Relative Invisibility of Non-Participating Persons with Disabilities

The third finding involves regulatory shortcomings relating to people with disabilities not taking part in demonstrations. None of the documents within the corpus specifies a set of standards for the preservation of accessible routes, adapted transport, essential services provision, and good communication in times of long protests or sudden closures. General regulations allow one to draw conclusion from those obligations but do not specify competent authorities or the standards and procedures to be used.

This invisibility can have a cumulative effect. A detour that adds distance may be used by a person with no disability but may not be accessible to a wheelchair user, a person who has chronic fatigue, one who requires any personal assistance, or a person who depends on tactile signals for guidance. A stop that is no longer accessible may leave the visually impaired or people with poor mobility without any option. An unexpected exposure to sound from the sirens, gas, crowded areas, or noise might present particular hazards for a person with some kind of sensory or psychosocial disability. The issue is, thus, not only the formal limitation of movement and accessibility, but also the actual disappearance of the choice on how to act. This problem is demonstrated by Kapsalis et al. (2024) for the mobility assisted devices users, and by Selanon and Chuangchai (2024) for the universal design in urban spaces.

3.4. Accessibility as a Continuous Positive Obligation

The fourth finding states that accessibility regulations are not put on hold when a protest occurs. The Government has the responsibility to foresee any barriers that might arise, make sure alternative ways are available, and be prepared to meet the specific needs of people. The public authorities must work before the protest through impact assessment and ensuring accessibility of messaging, during the protest by making sure routes are functioning and there is guidance and coordination, and after the protest by restoring access and documenting and evaluating the incident.

This accountability does not transform disabled individuals into grounds for causing automatic disruption or moving a demonstration. Rather, the main responsibility rests with the government, which coordinates law enforcement, transportation, signs, rescue and city planning. Organizers may assume reasonable duties of cooperation when an identifiable organization exists, but they cannot be treated as substitutes for public authorities, nor may the exercise of assembly rights be conditioned on impossible burdens. In spontaneous demonstrations, the State's duty to adapt is even more important.

3.5. Integration Deficit in the Peruvian Framework

The fifth finding was a gap between broad recognition in Peru and its operational translation. According to the Constitutional Court of Peru (2020), the right to protest is acknowledged as a basic right. In addition, Law No. 29973, approved by the Congress of the Republic of Peru (2012), its implementing regulation published by the Presidency of the

Republic of Peru (2014), and the National Multisectoral Disability Development Policy for 2030, sanctioned by the Presidency of the Republic of Peru (2021) set out obligations to ensure accessibility and participation. However, the police manual approved by Ministerial Resolution No. 517-527-IN does not provide a specific module connecting disability, assembly facilitation, accessible routes, multiformat communication, and continuity of services (Ministry of the Interior of Peru, 2018).

According to IACHR's findings from 2023, the way that the State responded was characterized by applying mainly control and force. Moreover, the Ombudsman of Peru (2023) found also that controlling the situation did not involve any visible system of differentiated accessibility evaluation. The CRPD Committee's concluding observations on Peru reinforce the need for disability-sensitive protocols in contexts of social conflict (Committee on the Rights of Persons with Disabilities, 2023). The gap is not an absolute absence of rules, but the lack of an institutional interface capable of translating dispersed rights into coordinated decisions.

Table 2. Summary of Findings and Legal Implications

Finding	Identified deficit	Legal implication
Separate normative frameworks	Protest and disability are managed through different institutions and legal languages.	Duty of intersectoral integration and joint impact assessment.
Protection of protesters with disabilities	There are legal grounds for removing barriers, but limited operational implementation.	Affirmative measures, support, and accessible communication during assemblies.
Invisible non-participant	No criteria exist for maintaining equivalent mobility and access.	Accessible alternative routes, continuity of services, and assistance.
Continuous accessibility	Crisis management often treats accessibility as a secondary consideration.	Positive obligation before, during, and after the demonstration.
Peruvian implementation gap	General rules exist without an integrated protocol or clearly defined responsible authorities.	Adoption of a binding, coordinated, and evaluable protocol.

Note. Prepared by the author on the basis of the thematic analysis of the corpus.

3.6. Proposal: Accessibility Protocol for Public Demonstrations

As an applied result, the study proposes a national protocol binding on the National Police, municipalities, transport, health, and risk-management authorities, and establishing coordination mechanisms with organizers and organizations of persons with disabilities. Its purpose would not be to authorize protest, but to facilitate it and reduce disproportionate impacts. The protocol should apply to both notified and spontaneous assemblies, with response levels adapted to the time available and the scale of the event.

Table 3. Minimum Content of the Accessibility Protocol for Public Demonstrations

#	Component	Operational rule	Operational rule
1	Accessibility assessment	Identify accessible routes, transport, essential services, risk points, and available support.	Does not condition protest; it requires the State to anticipate foreseeable barriers.
2	Accessible information	Communicate closures and diversions in advance and in real time through plain language, audio, high contrast, captions, and sign language.	Information must be equivalent, timely, and free of charge.
3	Functional corridors	Where materially possible, maintain accessible pedestrian corridors and safe crossings defined according to technical criteria.	Where materially possible, maintain accessible pedestrian corridors and safe crossings defined according to technical criteria.
4	Alternative routes and transport	Guarantee alternatives usable by wheelchair users, cane users, service-animal users, and persons with limited mobility.	The alternative must be genuine and safe and must not impose excessive burdens.
5	Support and assistance points	The alternative must be genuine and safe and must not impose excessive burdens.	Provide trained personnel and voluntary support for orientation, communication, and evacuation.
6	Continuity of essential services	Preserve access to health care, care services, education, medication, and emergencies; enable priority passage when indispensable.	Priority is based on concrete need, not on the general exclusion of protest.
7	Disability-responsive policing	Provide training on disability, assistive devices, communication, sensory crisis, and evacuation; avoid separating persons from essential support.	Use of force only as a last resort and subject to legality, necessity, and proportionality.
8	Interagency coordination	Activate a liaison center among police, municipalities, transport and health authorities, organizers, and organizations of persons with disabilities.	Clear responsibilities and a prohibition on transferring the entire burden to organizers.
9	Enhanced proportionality review	Before restricting protest or mobility, assess suitability, necessity, and balancing, including less harmful accessible alternatives.	Prohibition of direct or indirect discrimination and documented reasons.
10	Monitoring and learning	Record incidents, complaints, interruptions, and accommodations; publish evaluations using disaggregated data and consult representative organizations.	Accountability, remedy, and continuous improvement in accordance with the principle "nothing about us without us."

Note. The proposal integrates the obligations identified in the corpus. It does not constitute a prior-authorization requirement for protest.

4. Discussion

4.1. From Abstract Conflict to Coexistence by Design

The findings call into question a binary formulation of the problem. Treating protest and mobility as necessarily incompatible rights leads to zero-sum responses: either circulation is prioritized and the protest is deprived of its effectiveness, or occupation of space is protected while differentiated impacts are ignored. A human-rights approach requires a different question. The issue is not which right "wins," but which institutional design preserves the essential content of both and distributes burdens fairly.

The principle of substantive equality is useful for this change. Having an indiscriminate order - like providing an announcement about a detour - may not suffice if the alternative is not usable. Another point is that arranging a route without technical principles can lead to dispersing the assembly. Such matters need to take into consideration situations, resources, and results rather than regard the formality of the procedure (Fredman, 2016). The problem of disability is seen through the prism of the relationship between the individual and its surroundings; therefore, it is crucial to alter the surrounding environment (Palacios, 2008).

4.2. A Relational Understanding of Temporary Accessibility

City and disability-related literature shows that public space can not be considered neutral. There are various aspects affecting the public space like its rhythms, its scales, and its signs. The role played by time is crucial. A certain space can be accessible in ordinary times and it may become inaccessible due to closures or protests because of particular decisions taken by the authorities. Thus, it is necessary to assess accessibility in terms of its functions rather than as one meeting the architectural standards.

This idea eliminates the inclination to place blame on the protest. Obstacles may be the result of the collective action of people but may be due to police barricades, station closures, wrong diversions, or lack of information from the Region. Placing the whole blame on the protesters would imply lack of governmental capacity to act in avoiding, decreasing, and disseminating consequences. In this chain of events, the protocol suggests charging the state with the most part of the burden since it is empowered to set up the urban network and at the same time it recognizes the organizes' effort to cooperate whenever possible.

4.3. Enhanced Proportionality and Prevention of the Instrumentalization of Disability

There are two functions of the principle of proportionality. On the one hand, it assesses limitations on public assemblies that are based on the mobility factor or the security measure. On the other hand, it assesses actions that allow the holding of a public assembly without considering its implications for persons with disabilities. In both cases, an official needs to prove legality, the existence of a significant aim, appropriateness, the absence of any less strict, more accessible alternative, and the balance. The explanation has to show measures taken and justify the rejection of other options.

A key measure is to ensure that disability is not used in an instrumental way to support extensive bans. A generic use of "vulnerable individuals" is insufficient to meet proportionality standards. Instead, any measures need to involve a case-by-case analysis and aim at overcoming obstacles rather than merely preventing expression. In the same way, a general defense cannot hide the prospect of harm. To achieve coexistence, one needs precise solutions: route changes, adjustments related to time, communication channels, and support points.

4.4. Implications for Inclusive Education and Civic Education

The issue has an educational aspect associated with the concept of special and inclusive education. It should be noted that public participation is a civic competence gained and put into operation in educational settings. Disabled individuals should have an opportunity to learn about their rights and organize themselves with the help of an inclusive education approach. Academic institutions such as universities,

colleges, law academies, and municipalities may present topics related to protest accessibility and inclusive communication.

Moreover, professionals in special education, accessibility, and the fields of augmentative and alternative communication must be allowed to design materials, simulations, and protocols without having to medicalize political participation. Training should incorporate scenarios that include Deaf and blind persons, people who use wheelchairs, persons with mental disabilities, autistic persons, and persons with psychosocial disabilities, so as to treat them as rights holders and civic agents and not simply as individuals who need care. It is crucial to consult their organizations to avoid proposals that may seem plausible on paper but in practice turn out to be unworkable.

4.5. Limitations and Research Agenda

The research was confined to official texts and did not consider the actual application of the regulations or the experiences of those living with disabilities, including organizers, police, local authorities, and transport operators. Although purposeful selection is advantageous due to its legal thoroughness, the process cannot be viewed as a complete systematic literature review. Furthermore, the protocol is a normative suggestion that needs empirical verification.

Future research should include interviews and discussions with individuals with various impairments, be involved in monitoring operations and presentations, study accessible ways, do cities comparison, and test this protocol using participatory design. Study should also address the questions of responsibility for damages caused by inaccessible designs and come up with indicators of compliance.

5. Conclusion

The analysis revealed that the right to protest and rights of the persons with disabilities have adequate regulatory protection in order to create obligations from the State with regards to coexistence; however, these obligations are still fragmented. Current normative findings primarily concern the rights of persons with disabilities who wish to participate in a demonstration and do not pay enough attention to other disabled people who need to be on the move, get assistance, or take advantage of services while public spaces are busy.

In the context of this issue, it is insufficient to determine an abstract preference between protest and movement. A positive duty of anticipation, facilitation, accommodation, coordination, and rational decision-making is required on the part of all actors involved. Accessibility needs to be maintained as continuous functionality before, during, and after the event, and limits must be subject to rigorous proportionality and indirect discrimination checks.

The suggested Accessibility Protocol for Public Demonstrations is broken down into ten operational elements. The Protocol, thus, makes it easier to move away from a prohibitive approach and toward institutional design, while also instituting safeguards against using disability as a generalized argument to ban protests or unload responsibility onto the organizers. For civic inclusion to take place, the city needs to provide opportunities for collective expression, mobility, and access to services.

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Author Declaration

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Ethics. The study used only public documents and involved no human participants or personal data.

Data availability. The corpus consists of the official sources identified in the reference list and available through the cited institutional repositories.