



## Exploring accessibility of university buildings for the mobility impaired: A case study of a university in Sri Lanka

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### Abstract

Universities have to offer equal opportunity to all students. It is axiomatic that, although disabled students are present in the university environments, they are under-represented. However, it is questionable whether the existing institutional facilities in Sri Lankan universities are effective in meeting the needs of disabled students. This study aims to examine the legal framework of disability rights in Sri Lanka, with a focus on physical accessibility at a particular university in Sri Lanka and to elucidate to what extent that university upholds internationally and domestically accepted principles and laws. It analyses national and international laws that affect the inclusion and participation of persons with disabilities in university education. It also explores the challenges and opportunities faced by the chosen university in implementing inclusive education practices and providing reasonable accommodations for students with disabilities. The content analysis of this article is drawn from the literature survey and observations done at the selected university. The findings lend insights into gaps and inconsistencies between the legal framework and the actual practice of disability rights in Sri Lanka especially in the selected university. Additionally, the selected university has derelict its duty in promoting disability inclusion, potentially leading to fundamental rights litigation. The findings are essential for the university to enhance the lives of disabled students. The article concludes with some recommendations to improve the legal framework and disability rights in universities in Sri Lanka to increase equal access to university education for students with disabilities. This study urges further research by all universities in Sri Lanka to promptly audit/examine their situation and ensure equal treatment for disabled students.

**Key words:** Accessibility, Accommodation, Education, Law, Mobility impaired person, Physical impairment

## **1. Introduction**

Education is one of the most important human rights. Sri Lanka has a long history of remarkable education system dating back to 200 BC, which further developed during the Dutch and British colonial periods. As a consequence of the free and public education system in Sri Lanka, the adult literacy rate is claimed 94.5 percent. (Annual Economic Review, 2023). At present, the country's population of Sri Lanka is 22,155,748. (UN ORG), and 8.7% of the country's population belongs to the disabled community.

In contemporary societies, the quest for inclusivity and equal rights for individuals with disabilities has become a paramount concern. Persons with disabilities in Sri Lanka continue to face significant obstacles in accessing transport, employment and education. In education, students with disabilities constitute a minority group of the student population. There are 17 universities in Sri Lanka, and the total number of undergraduates in 2023 was 131213 (UGC Report, 2023). The rights of disabled university students and their full participation in academic, social and cultural activities were accepted as the norm. Accordingly, all universities have a legal obligation to remove all physical barriers in the learning environment in order to facilitate the fullest enjoyment of student's rights. The question is whether Sri Lankan universities are equipped with accessible facilities to accommodate disabled students.

The present descriptive study aims to identify university infrastructures and existing structural designs that comply with disabled access (physical accessibility) from the perspective of internationally and locally accepted norms. When considering accessibility, this study specifically focuses on physical access to the university buildings and premises, learning environments, and supportive services access for mobility impaired students are considered. By focusing on them, this study seeks to contribute to the discourse by examining the legal frameworks and challenges surrounding disability rights within the context of Sri Lankan universities, with a special reference to a particular University.

## **2. Literature review**

Over the last few decades, an increasing number of scholars have engaged in discussions on the rights of disabled university students (Ex; Konur, 2000;2007; Holloway, 2001; Singh, 2019). Disabled university students face various kinds of discrimination, directly or indirectly, that creates difficulties and disadvantages for them to pursue their studies. Some of those discriminations occurred due to inaccessible curricula, and physical barriers that restrict the disabled university students. In an early study, Stilwell and Perritt (1983) studied policy, social, and architectural barriers that are encountered by students with specified disabilities including mobility, vision, hearing, and systemic/neurological challenges. Borland et al. (1999) discussed the learning experiences of students with disabilities, highlighting practical constraints faced by institutions in accommodating the disabled. Tinklin (1999), and Holloway (2001) observed that the difficult physical access constituted a major obstacle to participation at university for students with disabilities.

Much of the existing academic research on disabled university students has focused on general aspects, as seen in works Hill's work (1992), Roman (2021), and Fuller et al. (2004), Shuayb (2020). A study on Accessibility to facilities for persons with disabilities was done by Amin, (2019).

The others have focused on specific disability issues such as access (O'Connor, 1999), visual (Browell, 1998; Senge, 1998; Dermody, 2011; Stethieh, 2023), hearing, and intellectual impairment (Diaz-Jimenez et al., 2021; Kubiak et al., 2021; Betch et al., 2020). Additionally, various other disabilities of university students were focused Chan et al. (2023), Engelbrecht et al. (2014) and Amoah et al. (2023). Shevlin et al. (2004) found that students with physical disabilities faced challenges related to the accessibility of the respective higher education institution. Wai Kin Lau et al. (2016) focus on both physical impairment and visual impairment inclusion in a university environment.

Students with disabilities face access challenges such as physical accessibility, and full participation in library activities due to sensory impairments when it comes to accessing science, and engineering laboratories. Given that laboratories are an integral part of science and engineering education, they should be free from access barriers. Jeannis et al.'s studies (2019a, 2020b) and Vrabete's (2018) reveal that students experience a wide range of limitations to full participation in the laboratory.

Special tables and chairs with adjustable height, accessible workstations, and lifts including wheelchair lifts in libraries foster equal access to educational resources by disabled students. This has been a specific concern, as highlighted by Schmetzke (2001), Phukubje et al. (2017), Bodaghi et al. (2013), Gull (2020) and Young et al. (2021), Graubart (1996). The concept of 'access' was focused on by Mulliken and Falloon (2019) and electronic accommodation was considered by White (1993). Nkiko's study (2020) focussed on wheelchair access for libraries.

Laura et al. (2013) and Matthews (2009) examine the accommodation for students with 'hidden' or 'invisible impairments. The role of the teacher has been explored by some studies, for instance, Kenny and McNeela, 2004, Harriet et al. 2012 and Wolman et al. 2004. On the other hand, some of the studies dealt with students' experiences, perceptions or difficulties, as seen in the studies of Holloway (2001), Fuller (2004), Tinkiln (1999), and library access Gill Chard et al (1998) and Amosun et al. (2005), Simonson et al. (2013), Wertans et al. (2022). Parker (1999) discussed the experience of disabled students using personal assistance at the university.

The universal design structure of buildings has been discussed by Goldsmith et al. (2000), Mishchenko (2013), Sholanke (2020), Silver (1998) and accessibility in general by Gill Chard et al. (1998).

Physical access has been seen as a major obstacle to university students for their full participation in university life. Many of the studies explore disability discrimination in access to buildings by wheelchair users in an academic environment. Norris-Baker et al. (1987) shed light on the practical experiences of wheelchair users navigating college campuses. Paul (1999), and Aamild (2019) explore the experiences and perspectives of students in the United States, with disabilities, specifically those who use wheelchairs. In Europe, Gill Chard (1998), Fuller (2004), Page and Thorsteinsson (2018) explore that gaining access to higher education is complex and can be further complicated by difficulties encountered in the built environment of universities.

The difficulties faced by wheel-chaired students in accessing educational institutions in African countries have been dealt with by Seyi (2005), Mothobi et al. (2013), Odame et al. (2020), Losinsky et al. (2003), Amoah, (2023), Vincent (2017), Tudzi, Eric, et al. (2020), Paul et al. (2021), Abu-Sadat,(2023). The perspectives of Arabic countries have been discussed by Alhusban et al.2023, and in the context of Asia, Alias et al. (2012).

In the case of Sri Lankan universities, the study of Jayasinghe et. al., (2023) attention has been focused on visual impairment while dealing with other disabilities. Paradoxically no research has been done concerning disability discrimination in access to buildings by mobility-disabled students in Sri Lanka.

Given the findings from studies examined above literature review, it can be concluded that the strict implementation of the Protection of the Rights of Persons with Disabilities Act, No.28 of 1996 and the regulations is crucial in the universities to ensure an accessible environment for students with disabilities. At present, there is a dearth of qualitative studies addressing accommodations for mobility-disabled students within the context of universities in Sri Lanka. This dearth of literature creates a lacuna that adversely affects the full enjoyment of constitutionally guaranteed rights by disabled university students in Sri Lanka.

The present study represents the first research endeavor to provide observed data to fill the void in the dearth of information on access constraints in a university in Sri Lanka. The research aim is to examine whether the ABC University is equipped with physically accessible facilities for students with mobility impairments.

## **2.1 International Perspectives on the Rights of Persons with Disability**

Disability is defined in different contexts, often characterised by two models namely the medical model and the social model. In the medical model, disability is recognised as pathological in nature and as an impairment of bodily systems or functions that can be treated and enable people to lead normal lives (Barnes, 2003). In the social model, disability is viewed as an aspect of an individual's personality. According to this perspective, disability is believed to result from a mismatch between the disabled person and the environment, encompassing both physical and social aspects.

It is the environment that creates the handicaps and barriers, not the disability itself. This model suggests that challenges can be remedied by changing the environment and society, rather than by people with disabilities (Oliver, 2013).

The primary international instrument for disability rights is the United Nations Convention on the Rights of Persons with Disabilities (CRPD). This convention establishes the basic human rights of people with disabilities. The convention aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of all persons with disabilities and respect for their inherent dignity. Article 1 of the CRPD defines persons with disabilities as those who have long-term physical, mental, intellectual, or sensory impairments that, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. Additionally, Article 2 of the CRPD defines the term 'discrimination on the basis of disability' as 'any distinction, exclusion or

restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation'. As per Article 2 of the CRPD, reasonable accommodation means necessary and appropriate modification and adjustments to ensure that persons with disabilities enjoy or exercise all human rights and fundamental freedoms on an equal basis with others.

## **2.2 International Perspectives on the Right to Education**

The right to education has gained international recognition as an overarching right, acknowledged as a fundamental human right by various international as well as regional human rights treaties and laws in numerous jurisdictions. For example, Article 26 (1) of the Universal Declaration of Human Rights (UDHR) (1948) declares that everyone has the right to education. **The adoption of the UDHR reaffirmed the right to education reaffirmed in numerous treaties at international and regional levels.** Article 13 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966), provides that States Parties to the present Covenant recognise the right of everyone to education.

The UNESCO Convention against Discrimination in Education (1960), Article 1(2) provides that the term 'education' refers to all types and levels of education, encompassing access, standards, quality and conditions of education.

Regional frameworks also acknowledge the right to education. Article 17 (1) of the African Charter on Human and People's Rights (1981) recognises that every individual shall have the right to education. Further, Article 13 of the African Youth Charter (2006) provides that every young person shall have the right to education of good quality. Again, Article 40 (4) of the Arab Charter on Human Rights (2004) offers that the State parties shall provide full educational services suited to persons with disabilities, considering the importance of integrating these persons into the educational system. Article 31 (1) of the ASEAN Human Rights Declaration (2012) stipulates that every person has the right to education.

In Europe, Article 2 of Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1952) recognises the right to education, stating that no person shall be denied the right to education. Equally, the European Union's Charter of Fundamental Rights reinforces the same by Article 14. Article 14 (1) stipulates that everyone has the right to education and to have access to vocational and continuing training. Furthermore, Article 21 (1) prohibits any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion, or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

On the other hand, Article 49 of the Charter of the Organisation of American States (1967) states that the Member States will exert the greatest efforts, by their constitutional processes, to ensure the effective exercise of the right to education. Similarly, the Additional Protocol to the American Convention on

Human Rights, Protocol of San Salvador (1988), recognises the right to Education in Article 13(1), stating that everyone has the right to education.

More importantly, the right to equal access to education for persons with disabilities is guaranteed under the United Nations Convention on the Rights of Persons with Disabilities (CRPD) of 2006 by Article 14 of the Convention.

This Article stipulates that parties to the convention recognize the right of persons with disabilities to education. Furthermore, the United Nations Sustainable Development Goals specifically goal 4- quality education, goal- 10 reduce inequalities and goal 11-sustainable cities and communities (United Nations, 2015) also promote equal access to education for people with disabilities.

### **2.3 Constitutional Framework on Equality and Right to Education**

The preamble of the Constitution of the Democratic Socialist Republic of Sri Lanka declares that the constitution shall be the supreme law of the country. Within Chapter III of the Constitution, fundamental rights are acknowledged. However, the right to education has not been recognized as a fundamental right. However, the Directive Principles of State Policy (DPSP) requires the State to complete eradication of illiteracy and guarantee universal and equal access to education to all citizens.

The opening statement of the Constitution of the Democratic Socialist Republic of Sri Lanka declares that the Constitution holds ultimate authority over the nation. Within Chapter III of the Constitution, fundamental rights are acknowledged. However, the right to education has not yet been given the status of a fundamental right. However, the Directive Principles of State Policy (DPSP) mandate that the State take steps to eliminate illiteracy and ensure that all citizens have equal and unrestricted access to education.

Article 27(2) (h) of the Constitution states:

“The State is pledged to establish in Sri Lanka a democratic socialist society, the objectives of which include –  
...the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels.”

According to Article 27(1) of the Constitution, the Parliament, President, and Cabinet of Ministers are mandated to consider the DPSPs in their governance and law-making to establish a just and free society in Sri Lanka. The government has a constitutional duty to prioritize these principles in its actions and decisions.

Article 12(1) of the constitution addresses the right to equality to recognise inherent human dignity. Accordingly, it states that all persons are equal before the law and entitled to the equal protection of the law. Furthermore, Article 12(2) provides that no citizen shall be discriminated against on the grounds

of race, religion, language, caste, gender, political opinion, place of birth or any other similar grounds. However, it does not explicitly articulate non-discrimination in education on the grounds of disability.

Article 17 of the 1978 Constitution, read with Article 126, provides direct access to the Supreme Court in case of any infringement or imminent infringement of a fundamental right by an executive or administrative action. Accordingly, a victim and/or his Attorney-at-Law can petition within 30 days of the infringement or imminent infringement of these constitutional rights. As observed in *Mohamed Faiz v. Attorney General and Others* [1995] 1 Sri L.R. 372 the Supreme Court identified both actions and omissions as infringement of fundamental rights. Likewise, the scope of the application to seek justice has been considered individually as well as collectively, as observed in *Bulankulama v. Secretary, Minister of Industrial Development* [2000] 3 Sri L.R. 243.

There are no specific provisions in the Constitution concerning the right to education. However, the Supreme Court of Sri Lanka has upheld the right to education, from time to time, by applying Article 12(1) of the Constitution. In the case of *Kavirathne v Pushpakumara* (SC. FR. No. 29/2012), the Supreme Court applied a broad interpretation of the equality clause in Article 12(1) to recognise the fundamental right to tertiary education. Further, in the case of *Kirahandi Yeshin Nanduja De Silva v Sumith Parakramawansha* (SC FR Application No. 50/2015), the Court held that, in terms of Articles 27(2) (h) and 12(1) of the Constitution, every child has a right to have equal access to education at all levels.

## **2.4 National Legal Framework on the Rights of Mobility Impaired Person**

More than twenty-eight years have passed since the promulgation of the most important legislation, the Rights of Persons with Disabilities Act, No. 28 of 1996. The long title of the Act states its purpose: the promotion, advancement, and protection of rights of the Rights of Persons with Disabilities (PWDs) in Sri Lanka and the establishment of a National Council for Persons with Disabilities. According to section 37 of the 1996 Act, a “person with disability” means any person who, as a result of any deficiency in his physical or mental capabilities, whether congenital or not, is unable to ensure for himself, wholly or partly, the necessities of life. This shows that Sri Lanka conceptualizes disability through a narrow, medical definition, that is, the medical model of disability.

Section 23(1) of the 1996 Act addresses equality in recruitment for employment and admission to educational institutes. Section 23(1) of the Act provides that:

No person with a disability shall be discriminated against on the grounds of such disability in recruitment for any employment office or admission to any educational institution.

Section 23 (2) of the 1996 Act addresses the physical accessibility to public places. Hence, it provides that:

No person with a disability shall, on the ground of such disability, be subject to any liability, restriction or condition with regard to access to, or use of, any building or place to which any other member of the public has access or is entitled to use, whether on the payment of any fee or not.

A National Secretariat for Persons with Disabilities and a National Council for Persons with Disabilities have been established to implement the Act. One of the Council's mandates is to improve awareness regarding the needs of PWDs.

Although, this Act was amended by the Protection of the Rights of Persons with Disabilities (Amendment) Act, No. 33 of 2003, no significant change has been made by this amendment to safeguard the rights of PWDs. The amendment primarily addresses administrative matters, specifying that the manner and mode of providing facilities should be as prescribed. The Disabled Person Accessibility (Accessibility) Regulations No. 01 of 2006 was made and the same was published in the Extra Ordinary Gazette No. 1467/15 on October 17, 2006, and No. 1619/24 on 18 September 2009. These regulations were made by the Minister of Social Welfare Services under section 25 read with section 23 of the Protection of the Rights of Persons with Disabilities Act, No.28 of 1996. These regulations specify the minimum accessibility standards and provide a guideline for accessibility to all public buildings (both existing and new constructions) and transport. Initially, three years were given for compliance with the regulations, and in 2009, the implementation period was extended to eight years.

The enforcement of fundamental rights in academic settings has been actively canvassed by the determination Human Rights Commission in Sri Lanka, as seen in Complaint No. HRC/3838/17. In this case, the allegation was about a denial of hostel accommodation with wheelchair accessibility for disabled students, as well as in classes, thereby depriving the students of the opportunity to engage in educational activities. The Human Rights Commission determined a violation of Article 11, 12(1) of the 1978 Constitution. As a remedy, it recommended to the Vice-Chancellor of the University of Colombo to conduct a formal disciplinary inquiry and to take the requisite disciplinary actions against the violators for evading their administrative duties and responsibilities to prevent the recurrence of discrimination in the university system against the PWDs in the future. In addition, compensation totalling Rs.165, 000 was ordered to be paid to the complaint by the various respondents. This was to deter future discrimination of this nature and to compensate the complainant for the harm caused to her education and mental well-being.

A case concerning an infringement of the rights of disabled persons came before the Supreme Court in 2009. In *Ajith Perera v. Attorney General*, (21.07.2009, SC FR No 221/2009, SC Minutes 27 April 2011), the applicant sought redress for physically disabled persons in accessing new public buildings. He sought remedies for the non-implementation and non-enforcement of the provisions of the Protection of Rights of Persons with Disabilities Act, No. 28 of 1996, and the Disabled Persons (Accessibility Regulations) Regulations No. 1 of 2006. The Applicant argued that non-implementation violated the Fundamental Rights guaranteed by Article 12 (1) of the 1978 Constitution to the petitioner and others in similar circumstances. In this case, the Court acknowledged that in terms of the accessibility and the regulations made under the Act, no person should be discriminated against on the grounds of disability



and their mobility being restricted in a manner that precludes or impedes them from gaining reasonable physical access to public buildings and facilities provided within such buildings, especially the toilet facilities.

Accordingly, the Supreme Court ordered that all new public buildings, as defined in the Accessibility Regulations No. 1 of 2006, should provide “reasonable access” to persons with physical disabilities. Additionally, the Court held that all authorities that are empowered to approve building plans or issue any “Certificate of Conformity” for public buildings should refrain from doing so any building violating this Court order. Failure to comply would draw punitive repercussions as per the law.

As shown above, legal discourses have been attentive to the rights of disabled persons, irrespective of their status as students. University students are integral members of our society, playing a vital role in the human community. According to the World Health Organisation (2001), barriers to inclusion are all those physical, social, and attitudinal factors that prevent or limit the full realization of individuals. Disabled university students should have the same educational opportunities as others.

Therefore, it is worth discussing whether this recognition has been duly acknowledged by the Universities in Sri Lanka and to what extent they have complied with these standards.

### **University and Discrimination**

Universities are the citadel of knowledge. University students, whether abled or not are protected constitutionally, by the specific law and university policies. Despite these protections, the situation on the ground remains precarious, as universities in Sri Lanka do not adequately cater to the needs of students with disabilities, be it in materials, emotional support, or other resources to acquire knowledge. It can be argued that Sri Lankan universities have an unclear view of the academic challenges faced by students with disability. It is evident that disability disclosure is a prerequisite for accessing accommodations in Sri Lankan universities to secure admission under the special provisions category as outlined in Part Six of the Handbook of the University Grant Commission (UGC) for the academic year 2022/2023. Accordingly, applicants are required to submit medical certificates acceptable to the UGC as proof of their physical disability. The same part defines physical disability as a permanent physical impairment that has affected normal life. Paradoxically, mobility impaired person, certified as disabled can only select courses of study in Arts, Commerce, Biological Science, and Physical Science. This implies that disabled students are excluded from higher education in fields such as medicine, engineering etc. due to physical disabilities but not intellectual disabilities.

In contrast, when there are no compulsory requirements for disability disclosure, student’s disclosure of disability to their university is dependent on their choice. As a result, students can secure admission to universities without facing compulsory disclosure requirements.

With the background mentioned above, the following section of this study delves into the literature on the subject. Research addressing the issue of disabled students in academic settings can be categorized into various themes including accessibility, accommodation, inclusion, participation, and empowerment. This study specifically aims to examine the accessibility; the other aspects are not dealt

with. Accessibility, in this context, refers to the extent to which the physical environment of the academic institution is barrier-free and user-friendly for students with disabilities (Putnam et al., 2003). Universities should strive to be accessible to all students, regardless of their individual needs and disabilities. This is an emerging concern over the world (Dutta, Schiro-Geist & Kundu, 2009; Collins, Azmat & Rentschler, 2019). The planning of university spaces is paramount and important for the complete development of students, both academically and socially. However, most of the universities in Sri Lanka are often designed with the typical architectural plans, ignoring the needs of students with physical, sensory and intellectual disabilities. Consequently, access to the academic environment to gain knowledge is barred or limitations made to full participation, by the university itself.

### **3. Research Methodology**

This study was a qualitative and intrinsic case study approach was deployed (Stake 1995). The subject of this study was one of the universities in Sri Lanka which regularly rated among the ‘top five’. The university was purposively chosen out of 17 public universities in Sri Lanka because of its distinctiveness in the construction of buildings in the highland without altering the natural settings and topography. This University has 10 faculties and 5 of them are located in one place and the other faculties are located in different places. Most of the factuality buildings were constructed before the laws and regulations of disability rights were passed. However, 7 faculties were constructed after the above law was passed. The University has a total full-time student population of 11976 totalling 28379 with external students.

The method used for this study consisted of two steps. The first step is review of the literature including laws and case studies. For the second step, direct observations were made by the author of the study to evaluate the access to buildings by mobility-disabled students, especially wheelchair accessibility, and the adequacy of the available infrastructure for students with disabilities. This two-step process allows researchers to grab clear inputs to the studies and based on that generate more accurate insights (Criado, Sandoval-Almazan, & Gil-Garcia, 2013; Lozano, et al., 2013) The direct observation was limited to access to physical facilities such as lecture halls/ rooms, laboratories including computer labs, libraries, and examination halls which were constructed all over the university but excluding hostels.

### **4. Results and Findings**

The evaluation of the accessibility of disabled students was carried out during April – December 2023 aiming at assessing the situation of infrastructure for disabled students at the ABC University in Sri Lanka. The present study confined its investigation only to the physical accessibility of the buildings and premises of the ABC University in Sri Lanka. The goal of this study was to contribute towards guiding to upgrade the infrastructure access to disabled students and thereby not only assist the university to comply with the laws of the country but also help the disabled student to enjoy the rights guaranteed by the law.

The most astonishing finding was that there are no statistics available on disabled student numbers including types of disabilities. The websites, including the University Home Page, are not compatible with screen readers for people with visual or learning disabilities and therefore do not meet content accessibility standards.

The other findings show University infrastructure does not meet all requirements of disabled students, which would amount to sheer infringement of rights guaranteed by the constitution. Although there are some attempts have been made such as few ramps for some buildings. It is not up to the satisfactory level. As mentioned earlier, an accessible environment is essential for disabled students to realize their rights fully.

Unfortunately, buildings *were not originally designed to accommodate people with disabilities* and special needs. This is ‘architectural disability’ as coined by Goldsmith, (2000) and Hanson, (2004). The reason for such things is that the designers and builders consider them non-existent. Accordingly, it creates a conflict of interest between the building owner and the current user. Although it is possible to tolerate the situation about the building, one cannot forgive for the condition of the buildings constructed after the promulgation of the Rights of Persons with Disabilities Act, No. 28 of 1996. In this regard, ignorance of the law is not an excuse that applies in full.

In the present case, the university has failed to offer structural accessibility to students who have orthopaedic disabilities. The following findings are essential to pay attention by the university.

### **Building with ramps**

Integrating ramps into university structures is important for university students with disabilities because it promotes equal access and an inclusive environment that prioritizes the needs of those with limited mobility.

Building entrance ramps are found missing in all lecture rooms, laboratories, cafeterias, and libraries within the University. Observations made by researchers reveal that the entrances of the university building including the administrative building, student affairs, departments, and auditorium are not accessible to disabled students. This shows that students with disability were not considered while designing and constructing most buildings within the University. Few buildings were equipped with ramps and elevators and older buildings have no elevators or ramps at all.

### **Toilets and bathrooms**

Accessible toilets are an essential component for disabled students and are considered a basic necessity for all students. However, no accessible toilets were available in those buildings. There are no or very few places with tactile ground indicators or curb ramps. Toilets are not wheelchair accessible. Some of the toilet facilities are used for other purpose. For instance, the wheelchair-accessible toilet in the one faculty of the selected university is used by cleaning services persons to wash cleaning utensils etc.

## **Library and laboratory**

For university students with disabilities, having access to libraries is crucial not only because it is a key component of their academic achievements, but also opens up essential resources and fosters an environment of inclusivity in the learning process. No accessible entrances or wheelchair ramps to the library and laboratories and no accessible toilets. There are no accessible entrances or wheelchair ramps to the library and no accessible toilets in the library.

## **Entry push buttons**

Entry push buttons are critical for disabled university students as they promote inclusive and equal participation in campus life. This provides a convenient and equitable way to navigate entrances and exits in mobility situations. No entry push buttons are installed on any buildings in the university.

## **Corridors**

The university was designed in such a way that almost all buildings that were constructed at the beginning were interconnected by roofed outdoor corridors. Paradoxically none of those corridors were disabled student-friendly including wheelchair accessibility. Most of them have uneven surfaces or steps and some of them were virtually disturbed by follower pots.

Some of the paths and corridors are blocked since objects left obstructing corridors and steep ramps making wheelchair users unsafe. There are no accessible signs reminders or low-height service facilities such as water taps, soap/sanitization etc.

Lecture halls and computer labs are not conducive for disabled students and it is difficult or impossible for students with disabilities to access facilities, especially those facilities housed in older buildings. No elevator was provided in the story buildings which have most of the lecturer rooms/ halls.

## **Automatic doors**

Automatic doors play a pivotal role in promoting ease of access, independence, and inclusivity. This ensures a barrier-free environment that accommodates the diverse mobility needs of disabled students.

## **Elevators in story buildings**

Multi-story buildings must have elevators with wheelchair access, particularly for university students with disabilities. These elevators play a crucial role in enabling smooth vertical movement which allows all students fair access to different levels of a building. These elevators are an essential aspect of promoting an inclusive educational setting. The available elevators did not accommodate more than one wheelchair at a time.

## **Lifts**

Lifts are not available for old buildings of the main campus where most of the administrative offices are stationed. The available lifts in newly constructed buildings are not enough for wheelchairs or the available space is not sufficient to manoeuvre a wheelchair.

## **Seating and accessible furniture for the disabled**

Comfortable seating in the lecture rooms benefits students with disabilities in different ways. It provides equal access to education and creates an inclusive learning environment that supports their diverse needs. Seating arrangements for a student with mobility impairment require that it must be close to an accessible entrance and also should have sufficient space to accommodate assistive devices. Likewise, the furniture should be adjustable in height and seating arrangement needs to be on the ground floor or in easily accessible places. However, none of the lecture rooms, computer labs and other places have these facilities.

## **Examination hall**

The examinations are, in general, conducted in lecture rooms/ halls and some of them on upper floors. Most of the old halls have fixed tables and benches in which access to mobility-disabled studies is a nightmare.

## **Lecture halls**

Several classrooms are being at the upper floors and some of them are scattered. Most students have trouble finding the time and energy to walk from one lecture hall to another. Further students who depend on braces and crutches could not walk swiftly to make their next classes since those are conducted in different places.

A well-known architect designed the main campus building of ABC University in Sri Lanka. These inaccessible buildings are not heritage sites and are not protected by any law of the country. Denying full access to old buildings solely because particular architect designed them is an unjust restriction that undermines the principles of the rights of disabled persons. Embracing the rich architectural diversity brought forth by different designers, the University should move forward by allowing access to these buildings, rather than limiting it based on the designer's identity. It would amount to an insult to disabled university students.

## **5. Conclusion**

In conclusion, the rights of mobility-disabled university students are an integral part of human rights. This study considered the compliance of buildings at the ABC University in Sri Lanka with the Rights of Persons with Disabilities Act, No. 28 of 1996. This Act mandates that all public universities ensure that all students can, at all times and without hindrance, fully enjoy their legally protected rights and benefits from all aspects of education within the learning environment. Accordingly, the universities have to ensure that students with a disability are not at a substantial disadvantage compared to their non-disabled students. For this, it is required by law to make anticipatory reasonable adjustments. However, as seen in the above discourse, in reality, the situation is quite different since not only the building constructed before 1996 but even after that denies access to disabled students.

The university approach complies with the social model of disability. According to this model, people are disabled by barriers in society, not by their impairment or difference. Recognizing these barriers in the physical environment and removing them, such as providing accessible doors, and toilets, could create equality and offer people with disabilities more independence, choice and control.

Until the end of 2023 barrier barrier-free university environment had not been provided. The university has a long way to go to eliminate barriers for students with disabilities in examination halls, lecture halls, library, Computer labs, laboratories, cafeterias administrative services buildings, and sanitary accommodation

One line of argument that can be brought by the University is that they do not have enough financial resources. University may argue that it is not worth spending resources/doing modifications to the existing building for few students or no students. However, it should be borne in mind that human rights are not limited to present generations as categorically recognized by Maastricht Principles on the Human Rights of Future Generations, 2023. The most important principle of the Maastricht Principle is its recognition of future generations as holders of internationally recognised human rights. Article 6 (a) of the Maastricht Principles states that Future generations have the right to equal enjoyment of all human rights. Accordingly, none of those universities can infringe on human rights recognized by the constitution of Sri Lanka.

European court determination is worth considering in this regard. In *Enver Sahin v. Turkey*, (Application no. 44774/98, Council of Europe: European Court of Human Rights, 10 November 2005) the university refused some architectural adjustments to the faculty building to accommodate a disabled student but offered the student an assistant instead. Accordingly, considering the right to live independently and the development of his sense of dignity and self-worth- concepts, the court and monetary award was given as a violation of Article 14 of the European Convention of Human Rights, which sets the prohibition of discrimination, read in conjunction with Article 2 of Protocol No. 1, the right to education.

It is important to highlight the decision of *Bradley Kinsella v Queensland University of Technology* (1997) HREOCA which recognised and declared the right to receive his degree in precisely the same way as all the other students with whom he is graduating.

This poses an imminent threat to the holding of graduation ceremonies. Though this is not legally binding in our jurisdiction, this decision introduces compelling considerations. It creates a reflection on the feasibility of analogous arguments locally.

Another argument can be brought forward that the universities are bound only for the current students who are disabled to provide access. University students mean present and prospective students. A prospective student is a person who approaches the institution to seek admission to or apply for enrolment in, the institution. However, it appears that the university may have some misconceptions about prospective students with disabilities or totally ignored them. However, it should be highlighted here the European Court of Human Rights's determination in this regard. In *European Cam v Turkey* (Application No. 51500/08, 23 February 2016) the European Court of Human Rights recognised a future student's right to education.

**The University has disability policy that is not well drafted to cover the well-accepted principles in the world. However, as observed by Pascalau-Vrabete and Baban, (2018)** the policies alone will not yield the desired results. It must go with the law of the country and the genuine commitment to infrastructure modifications, technological solutions, and educational initiatives that enhance accessibility.

Therefore, this researcher has several recommendations for universities based on this study. One of the recommendations is that the university must work expeditiously to make all its buildings accessible to mobility-impaired students ensuring non-discrimination. Denial of access would amount to disability-based discrimination. As it is well known difference in treatment is discriminatory if it has no objective and reasonable justification. Non-availability of funds or preservation of architectural designs is not a reasonable justification. One should be born in mind that the States or state organs cannot evade nor delay their duties concerning accessibility and access to mainstream education. The warning indication is that the trend and the recent past practice of the Human rights infringement case is that compensation must be paid by the infringer/ respondent in his pocket to the person whose rights have been violated.

Second, the university must take disability needs forms filled out by the students at the admission. In this way, the university can accommodate the needs of new entrants. Likewise, the university would be able to use this data for the future developments of infrastructure.

Overall the University conducts immediate surveys to identify the places that do not comply not only with the laws of the country but also the needs of the disabled students who come under their shelter to get access to knowledge.

Hence, the University should take the necessary steps, without further delay, to take necessary steps to accommodate students with disabilities for full and effective participation in society on an equal basis with others. Such an action would not only exhibit the rich value system of an academic environment but would also promote and respect the inherent dignity of all students with disabilities and foster an inclusive education that would assure freedom, equality, justice, and fundamental human rights as it is enshrined in the preamble of the Constitution of the Democratic Socialist Republic of Sri Lanka. Compliance with this makes the universities world-class. Future studies may look into ways of making university infrastructure disabled compliance. The paper urges that further research be undertaken and for all universities to urgently look into their own situation.

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