



To The European Disability Forum (EDF)

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EDF and the right to air travel for all

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Lila Sylviti,

We have emailed in the past about sitting disability and air travel. You may recall that I used to be a government lawyer in Norway, but am now disabled due to severe back problems.

I have been an advocate for the sitting disabled in Norway the last 15 years. In 2001 I founded an international organization called Friends International Support Group (FISG). Our main work is online support for people with chronic pain. Many of the members are sitting disabled. Sitting disabled is a broad definition that applies to those persons who cannot sit in a chair for several hours due to severe pain or dysfunction.

I appreciate EDF's hard work to improve the rights for people with disability from all across Europe. EDF is celebrating ten years of air passenger's right for persons with disability. (Regulation 1107/2006). As the EDF president Yannis Vardakastanis said:

“This regulation has paved the way for accessibility when travelling by air.”

I hope this eventually will happen for all groups of disabled people! However we don't hear anything about passengers with sitting disability. In fact nothing has been achieved for this group of passenger and air travel. The airlines still not permit people with sitting disability to travel by air if they need to lay down the whole trip. Today, the right to air travel is not for all.

We have made no progress in Norway either. The airlines blame the lack of security and expenses. The airlines are after all obligated to secure the passengers. The Norwegian Government blames the EU commission and the Aviation Authority in Norway.

The airlines and the Aviation Authority in Norway agree that sitting disabled have to travel on stretchers if they cannot sit up as required. However, no airlines are obligated to provide stretchers on the airplane. Accommodation for a passenger who must travel on a stretcher is an optional service.

The airlines require disabled passengers to use stretchers if they are not able to sit up at least for 40 minutes during takeoff and landing. Because stretchers are expensive according to the airlines, this is where the discussion ends for passengers with the most severe sitting disability.

However, stretchers are not the only way to secure passengers. There are a growing number of spinal injured persons that are unable to sit, but might be capable of kneeling. The passenger could be strapped in the seatbelt while kneeling with the face inward to the seat. Some passengers with sitting disability might be able to afford to pay for business or first class offering flat seats. Since stretchers are so expensive, alternatives should be explored.

The airlines don't perceive the difference between passengers with reduced mobility and sitting disabled. A major difference is that most sitting disabled would be able to evacuate themselves without any assistance in an emergency.

The sitting disabled has as a group achieved acknowledgment for some rights in Norway, but not the right to air travel. When Norway made a Norwegian disability act in 2008, both the government and the parliament, officially said in published documents that sitting disabled have the same rights as people with other disabilities. This is published at the Norwegian government's website.

Norway has an Anti-Discrimination Ombud. The Ombud shall enforce The Anti-Discrimination and Accessibility Act (DTL). In 2013 the Ombud ruled that a person with sitting disability was discriminated against when denied transport for disabled people. The Equality and Anti-discrimination Tribunal ruled the same later in 2013. Norwegian National TV let FISG run a 30 seconds ad for free about sitting disability at a couple of holidays in 2013-2014.

Both FISG and the Norwegian back pain Association have written several letters in the past to the European commission about sitting disability. We have also written letters to organizations in Europe and EU institutions about sitting disability, without achieving anything.

The sitting disabled's right to air travel still seems to be an unrecognized problem in Europe and in the US and Australia as well.

According to the regulation on the rights of air passengers with disabilities, it is illegal to refuse booking or boarding a disabled person. Passengers with sitting disability are however not addressed anywhere. I think it is reasonable to believe that they have not been excluded on purpose, but rather because sitting disability has never been discussed.



See regulation No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air:

Article 1: “Disabled persons and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and non-discrimination. This applies to air travel as to other areas of life.”

Christophe Dussart, Policy officer in the European Commission, emailed me this in December 2008:

“On the interpretation of the Regulation 1107/2006 article 3, see article 4. it is correct that issues concerning transport of stretchers are in the gray area of the Regulation, and that this particular issue has not been discussed in the EU Parliament and the Council. It has to be explored further.”

Blane A. Workie, Chief, Aviation Civil Rights Compliance Branch in Washington, D.C. emailed me this the same year:

“Thank you for sharing your story and informing me of the difficulties individuals with sitting disabilities face in accessing the air travel system. As you already know, the Department’s disability regulation implementing the Air Carrier Access Act does not require carriers to transport individuals who must travel on a stretcher. Accommodation for a passenger who must travel on a stretcher is an optional service.”

Although it should be noted that it is the airlines and the Aviation Authorities that require stretchers, not the passengers.

I have personally not been allowed to fly because I am unable to sit for more than 5 minutes at a time. Even if I were willing to pay for a bed seat on business class, no airline will let me travel if I am unable to sit for at least 40 minutes during takeoff, landing and turbulence.

People from all over the world tell about the same problem. Our organization (FISG) has a message board and an international group on Facebook for people with sitting disability. Air travel is the most frequently discussed topic on the Facebook group. FISG also receives letters from people wanting to know how to improve the rights for sitting disabled in their home country.

You may think that this is a small group of people. It is not. Many people around the world suffer from severe back pain and other causes of sitting disability. Back pain is the single leading cause of disability worldwide, and the most common symptom is sitting disability.

The right to air travel should be for all people with disability, not only some categories of disabilities. For this to happen it is necessary that this group of potential passengers



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becomes visible, and is acknowledged publicly and dealt with in public policy. Everyone I spoke to in the years after the regulation 1107/2006, said sitting disability had never been discussed. Not deliberately, but because sitting problems have in general been an unrecognized disability.

Best regards,

Mosken Bergh

If you want to read more about sitting disability, please visit our website:

<http://friends.mosken.com/sitting-disability/>

Wikipedia:

http://en.wikipedia.org/wiki/Sitting_disability

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