













Protocol: 10th Awareness & Diversity Roundtable

When Wednesday, March 22, 2023, 6 - 9 pm
Where RSO, Berlin

Thema Accessibility

1 Thinking all along. Accessible does not only mean wheelchair accessible – with Judyta Smykowski

- "Disability (arises) from the interaction between people with impairments and attitudinal and environmental barriers (...) that prevent them from participating fully, effectively and equally in society."
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- There are two dimensions of disability: **being disabled vs. becoming disabled**

	Permanent	Temporär	Situativ
Fühlen	 Einarmig	 Armverletzung	 Baby auf dem Arm
Sehen	 Blind	 Grauer Star	 Abgelenkter Fahrer
Hören	 Gehörlos	 Ohr-Infektion	 Barkeeper
Sprechen	 Non-verbal	 Kehlkopfentzündung	 Dialekt

- A disability can be permanent, temporary or situational and can affect the senses of feeling, seeing, hearing and speaking (cf. chart on the left).

- Disability has a lot to do with different situations, e.g. the bartender has to be spoken to loudly because of the loud music so that he:she can be understood.

- In the course of life, everyone encounters barriers.

- Accessibility is not only wheelchair accessibility, or not only ground level accessibility.
> Always keep in mind what different barriers actually occur in clubs when you walk through them in your mind's eye.

- pay attention to pictures in communication: Pictures of people who are really disabled and not only pictures of people in wheelchairs.

- **Description on website/ in communication: how to get to the place, is there a lift at the station, will the person be picked up, is there signposting > information important to plan visit > should be as accurate as possible.**
- **Organise walk-throughs in clubs > test for wheelchair accessibility, without any information, must be self-accessible. Aim: so fair and clear that pilots are not absolutely necessary.**
- Instructions for blind people, what about acoustics, fire alarms > two-senses principle > fire alarms must also flash
- Accessibility should always be considered on three different levels:
 - Venue: barrier-free catering, access to the building, wheelchair-accessible toilets, barrier-free emergency system.
 - Programme: speakers with disabilities, female speakers, what are the roles of the people on site?
 - Communication: Describe pictures and videos, budget for sign language interpreters, accessible language
- Identify barriers:
 - You are a visitor:
 - Cinema, theatre, performance space
 - Ticket plus accompaniment?
 - Is there information for disabled visitors on the website?
 - Are there lots? / Contact persons?
 - You are a staff member
 - Check the staff areas
 - kitchen
 - toilet
 - corridors
 - lifts
 - Beyond the building:
 - Diverse imagery?
 - Website check for accessibility and social media Image description
 - Information on accessibility on website (important: detailed description) > Website in „easy language“ and sign language
- Example/ Best Practice:



- Most common barriers:
 - Lack of marking of stairs
 - Icons / Symbols
 - Stairlift: who has the key? Who knows how it works? > Important: Communication within the team, information must be passed on to each other.
 - Toilet key/ Toilets
 - Kitchen
 - Entrance

Q&A

- Alternative description/texts on instagram, describing what can be seen in the picture (for blind people, are read out by the programme)
- To maintain meaningfulness, the tool must be used & maintained properly
- All words in hashtags must begin with capital letters so that the app can distinguish the words.
- Best practice for organisers: offer in communication that people who cannot wait in line for a long time (invisible disability or no disabled ID) can write an email in advance and then get a ski list
 - from experience: is not being abused

2 low-barrier (reality) vs. barrier-free (vision) in clubs – with Marcel Weber

- Barriers in SchwuZ:



- **low barrier** means: a lack of access to nightlife venues and experiences due to physical or social barriers (e.g. stairs, dress code..)
- **Barrier-free:** everyone is able to experience and enjoy nightlife regardless of their abilities or social status
- Accessibility in clubs: basic human right, everyone should have the ability to socialize and have fun
- But also important from a business perspective, SchwuZ e.g. who is more inclusive, is attracting a wider range of customers > increase in profits and better reputation in community
- **Barriers in the nightlife industry: stairs, narrow doorways, inaccessible bathrooms, social exclusion (dress codes that require expensive clothing > making it difficult for people who can't afford these items; exclusive guestlist or vibe that might people feel unwelcome if they don't fit in with the crowd)**
- What can we do to promote barrier-free spaces in nightlife:
 - Venues can take steps that make their venues more physically accessible
 - **Installing a ramp, lift, wider doorways, accessible bathrooms**
 - **work to create more inclusive atmosphere > getting rid of dress codes or relaxing them**
 - **Promoting a more diverse range of artists**
- not just up to the venue, as customers we can also make a difference: supporting inclusive nightlife venues and advocating for change in our communities
 - Speaking out against practices that discriminate
- What does SchwuZ do:

What we do?

- | | |
|--|--|
| • Getting advice from associations | • Having a platform lift for wheelchairs |
| • Making a diverse booking | • Providing wide corridors for everyone |
| • Offer free entry for up to 200 people every Friday and Saturday before the party opens | • Creating noise reduced areas in the club |
| • Providing subtitles for spoken social media content | • Giving free tap water at the bar |
| • Give education about forms of discrimination | • Placing products to show on it to order |
| • Giving trainings to our employees | • Having well illuminated signs |
| | • Promoting language diversity in the team |

SchwuZ

- most important things: **get help, get advice, talk to people affected by barriers, get them on the team and be creative, try things out and be mistake friendly**
- By promoting accessibility and inclusion we can create a more vibrant and diverse nightlife scene that is benefiting everyone

3 How my experiences as a club and festival guest with disabilities led me to develop my own event series – with Katouche

- Katouche is a physically disabled (Syphapolsie) clubber > speaks from the perspective as a nightlife / festival attendee / visitor
- As a disabled person, a lot of challenges appear in nightlife
- When Katouche was 19, she went to a club in London and was turned away at the door for being disabled. They told her at the door that she wasn't able to attend the venue because they didn't have the needs to get her out safely in the case of an emergency
- Was an upsetting experience because she was not able to do what she wanted to do and other people made decisions for her
- Despite the fact that Katouche would have been able to navigate the venue without trouble because she is not a full-time wheelchair user, they said they can't let disabled people inside at all
- Even though this experience sounds extreme, it's a common experience she has to face
- Katouche complained about it and was on the news etc. and then she realised that she has this ever-present issue of never being able to find something even close to the perfect night-out
- Context: in London, there are not really venues, there are events that take place at venues/ move from venue to venue
- As a disabled person, you don't have the guarantee and flexibility to go wherever you want
- Either she can find a venue that may have the accommodations for disabled people but don't have the music/ scene she likes or the other way around
- It is important to remember the intersectional experience that within being disabled, there are also multitudes of other identities
- When conceptualizing a space that intends to be as inclusive as possible: **make sure that your having those important conversations with people who experience the full breath of that experience and discrimination**
- **Also important to talk to people who experience different kinds of disabilities**
- Katouche went to a festival last year and although they wanted to ensure accessibility, the grounds were horrible, it was quite scandalous
- Disabled people had a difficult time there, wheelchairs were destroyed which is quite a big deal because it is almost like having your legs broken, you lose your main mobility
- Viewing access platform was outside the venue so they couldn't see the show, couldn't participate > this kind of segregation and discrimination, disabled people face on a day to day basis
- touching again on a previous made point: Connecting reality to how we experience nightlife/ clubbing > good access doesn't stop with the night itself, it starts with your role in the wider society and how you support disabled people in wider society
- **It's important to have disabled people in the team when working on more accessible nightlife/ event venues, because they understand the challenges that disabled people face in detail; it's not only a checkbox because you might miss out on something**
- The challenge is to consider the **social model of disability** > idea that being disabled is a social construct
- having various impairments, these conditions are part of the natural spectrum of human life like gender and race
- But the experience of discrimination is what disables that person
- **When implementing universal design and inclusion, you eliminate the barriers that make disabled people disabled**

- Comparison to people who have a vision impairment and wear glasses: but we live in a society that doesn't stigmatize wearing glasses as an impairment or make you disabled because glasses are widely accessible to those that need it
- Medical model: impairment of disabled people/ medical condition make them inherently different from the rest of the population
- Social model: seeing society as a complex consisting of different identities
- Unlike race or gender that are considered more fixed, you can become disabled at any given time in your life
- It is important to create an environment in that everyone is able to participate and to thrive
- When we think of nightlife, as someone who is born disabled and has always lived a disabled life, to deny disabled people those experiences and see them as distant from your own lived experience, doesn't set up society well in the long-term for everybody
- Everybody benefits from good access, inclusion and tolerance
- Ambition is to build out a space/ event that is inclusive of disabled people, and especially disabled people of color who miss out on so much because of various barriers
- **Implement the social model**
- **To expand your perspective, follow more people on social media that have lived experiences that are different from your own**
 - **There are many influencers who exist in other paradigms than your own who you can benefit and learning from, it is passive but it has a lot of impact**
- **allyship is sacrifice**
- **Collaboration, research and investment**

Q&A

- what would you wish the organiser should do in a sexpositive space with darkrooms to make disabled people feel included?
 - **The more information/ communication is available online before about the event, the better**
 - **Visible contact information so people who are interested to attend can contact the organiser to talk with them about their needs**
 - Some of the best events that Katouche has been to weren't actually race or mobility accessible events but rather were able to create an experience after I reached out to them that was still very positive just by being attentive and respecting and taking them seriously
 - **Important: engage and speak with disabled people in the sexpositive community**
 - Recommending influencer/ content creator: Andrew Gurza > speak a lot about their experience as a disabled sex-positive person
 - Will have insight that Katouche doesn't have
 - The attitude towards sex-positive disabled people needs a lot of development
 - in general what's important: **good signage online and offline, clear lines of communication, even if the event is not completely accessible**
 - comment from a person in the audience: can relate to the experience Katouche is facing in London: it is really difficult in Berlin to find spaces that are low-barrier, inclusive/ tolerant AND affordable
 - Not calling out people but writing to the people/ venues directly and address the issue, often there will be more cooperation and openness to change
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4 The legal framework of self-determined going out for people with (attributed) disabilities – with Melissa Kolukisagil

- 2020: Preparation of the legal expertise "Self-determined going out for people with (attributed) disabilities versus danger prevention".
- The legal expertise closes a knowledge gap with regard to the promotion of accessibility in clubs and discotheques and its practical implementation.
- 2021: Make the legal expertise available to legal professionals, affected groups and communities, clubs and the public.
- The legal expertise will be prepared for specific target groups and distributed to interested groups.
- 2022: Translation of the legal expertise into easy-to-understand language.
- Will be available on website: <https://feiern-safe.club/>
- **Content of the Legal Expertise:**
 - Illumination and reappraisal of the - presumed - conflict of objectives between danger prevention and discrimination (disability) protection.
 - Presentation of the existing rights and obligations of the operators of venues including enforcement (legal protection) options
 - Presentation of the rights of people affected by discrimination including possibilities of enforcement (legal protection); liability for damages
 - Formulation of recommendations on how operators can create conditions that are as non-discriminatory as possible, taking into account the legal situation.

-Self-determined going out for people with disabilities is, abstractly speaking, about the dismantling of people with disabilities, about their participation in social and societal life.

- The focus is on the principles of accessibility and barrier-free access to events or venues, such as concerts, visits to bars, clubs, discos, etc.. This is a socially important topic which, as far as can be seen, has not yet been taken up in jurisprudence in this form.
- It is indispensable to outline the legal framework for the practice in clubs, bars, discotheques. In the past 10-15 years, our law has developed significantly. One can also speak of a paradigm shift. It is still quite a new legal approach, but a very comprehensive one, to include these people in society and to enable and secure their participation in society. It means a changed way of seeing and arguing, with which the previous (legal) practice and also older case law must be reflected.

- Change of perspective: People with disabilities are not only disabled, they are also disabled. It is not the task of people with disabilities to raise awareness in society. It is not their task to demand their right to go out on their own. This is a task for society as a whole, to which everyone should contribute.

Article 9, paragraph 2 of the UN Convention on the Rights of Persons with Disabilities obliges the Federal Republic, and thus society as a whole, to create accessibility: "States Parties shall also take appropriate measures to ensure that private entities providing facilities and services open to or provided for the public take into account all aspects of accessibility for persons with disabilities."

However, the **principle of accessibility** also extends into private law, as Art. 9 para. 2 b) UNCRPD requires appropriate measures to ensure that private entities, such as the operators of venues offering facilities and services that are open to or provided for the public, take into account all aspects of accessibility. This is addressed to the venue operators. The accessibility principle is thus also extended to them, because they have to take into account the privately made dedication of their venues generally for public use and for an undefined group of people.

Participation in cultural and social life in society also requires the elimination of disadvantages. Protection against discrimination is an important building block for this. This is to be ensured in civil

law, which is also at issue here, with the General Equal Treatment Act (AGG). This law will have to be taken up when it comes to putting self-determined going out in the context of "danger prevention".

- UN Disability Rights Convention as a paradigm shift:

- Disability Equality Act at federal level
- Berlin law on equal rights for people with and without disabilities.
- GG, Article 3, Paragraph 3: "No one may be disadvantaged because of his or her disability."
- AGG, Article 19: "Discrimination on the grounds of disability in the establishment, performance and termination of civil law obligations that are mass transactions is inadmissible."
- Thus, all bars, clubs, discotheques and other venues fall under the prohibition of discrimination.

- III The concept of accessibility

Structures, means of transport, technical objects of daily use, information processing systems, acoustic and visual sources of information and communication facilities as well as other designed areas of life are barrier-free if they are accessible and usable for persons with disabilities in the generally customary manner, without particular difficulty and in principle without outside assistance. A particular difficulty is also deemed to exist if persons with disabilities are refused or hindered in taking along or using the required aids (§ 4a LGBG).

- Building law

It is mandatory for all buildings that are accessible to the public to be barrier-free in the parts that serve general visitor and user traffic. They are barrier-free in the sense of the Berlin Building Code if they are accessible and usable for people with disabilities in the generally usual way without special difficulties and basically without outside assistance (§ 2 para. 9 BauO Bln). There is thus a clear legal obligation for general accessibility of venues.

With the amendment of the Building Code with effect from 1 January 2017, the legislator has expressly clarified that this includes, in particular, cultural and educational facilities, sports and leisure facilities, places of sale, restaurants and accommodation, parking spaces, garages and toilet facilities. The definition is based on that of "accessibility" in accordance with § 4 of the Federal Equal Opportunities Act (BGG); Explanatory Memorandum to the new Building Code for Berlin (BauO Bln) as an excerpt from Printed Matter 15/3926 of the Berlin House of Representatives, p. 48, available online [https:// www.stadtentwicklung.berlin.de/service/gesetzestexte/de/download/bauen/20050929_bauobln_begrueundung.pdf](https://www.stadtentwicklung.berlin.de/service/gesetzestexte/de/download/bauen/20050929_bauobln_begrueundung.pdf).

Building law

- Specific constructional requirements are demanded for the venues, namely according to § 50 para. 3 BauO Bln in detail
- for accessibility, a step-free main access with a clear passage width of at least 0.90 m
- In front of doors: there must be sufficient space for movement;
- Ramps:
 - o no slope of more than 6 per cent,
 - o they must be at least 1.20 m wide and
 - o a firm handrail with a secure grip on both sides,
 - o a landing at the beginning and end of each ramp,
 - o an intermediate landing every 6 m, o landings: length of at least 1.50 m;
- Stairs:
 - handrails on both sides leading over landings and window openings and over the last steps,

- risers required;
- Corridors: width at least 1.50 m;

Construction of toilet rooms: be barrier-free in the required number, they must be marked;

- Lifts:

§ Section 39 (4) BauO Bln also applies to buildings with less than five storeys above ground, insofar as storeys must be accessible by wheelchairs without steps. In this case, a sufficient number of lifts must be available.

It should be emphasised in this list that accessibility via the "main entrance" is to be ensured. Access via the main entrance is intended to prevent the creation of "entrance situations that discriminatorily exclude people with walking disabilities and wheelchair users from accessibility, e.g. from the street". This excludes disability-specific and therefore discriminatory solutions.

Justification for the new Building Code for Berlin (BauO Bln) as an excerpt from the printed matter 15/3926 of the Berlin House of Representatives (fn. 5), p. 48. So also Jankowski, Rechtsfragen des barrierefreien Bauens Am Beispiel der Bauordnungen von Berlin und Brandenburg, LKV 2005, 388,389; for Bavarian building law: Simon/Busse/Dirnberger, 138. EL September 2020, BayBO Art. 2 Rn. 707, but linking to the characteristic of accessibility "in the generally customary manner" in the absence of an explicit regulation as in Berlin.

What can you do? Advocacy

There are more and more club owners in Berlin who take their commitment to becoming more inclusive seriously. Many are open to feedback on how and what they can improve. Give them tips on how to make going out in Berlin more inclusive and accessible for everyone in a sustainable way. **Often small things like a mobile ramp at the entrance, large pictograms on WC doors and exits and clearly marked stairs and steps make places at least barrier-free. Club owners and concert organisers are of course also happy about encouragement when their venues become more barrier-free.**

To break the vicious circle and share important information, **list Berlin's clubs, bars, discos and venues on Wheelmap.org, the online map of wheelchair accessible places, and mark them according to their wheelchair accessibility. Add photos and detailed information so that people with different needs can see for themselves whether they can overcome the threshold at the entrance or not.**

- Tension between danger prevention and problematic paternalism > you cannot take away someone's sense of responsibility just because they are disabled.
- Example: a person in a wheelchair was refused an alcoholic drink at the bar on the grounds that it was not certain what medication this person was taking.
- Disabled people are best able to assess what they can and cannot do based on the information they receive from the club.

Resources

Wheelmap <https://wheelmap.org/> > an online map for wheelchair accessible locations

Ramp up me <https://ramp-up.me/>

Sozialheld*innen <https://sozialhelden.de/>

Gesellschaftsbilder <https://gesellschaftsbilder.de/>
> Database for inclusive event images, also in a club context

Handout and checklist for accessible events
<https://www.k-produktion.de/downloads/>

Podcast: Die Neue Norm
<https://open.spotify.com/show/44sl6ydNbSkeUeVzftdg64?si=5ebdd1c94cf846c7&nd=1>

Music event access for visually-impaired people
<https://yourmomsagency.com/music-event-access-for-visually-impaired-people/>

Berlinklusion
<https://www.berlinklusion.de/de/about-us/about/>

Initiative Barrierefrei Feiern <https://barrierefrei-feiern.de/>

Barrier-free through the neighbourhood
<https://www.musicboard-berlin.de/awareness/barrierefrei-durch-den-kiez/>

Leidmedien <https://leidmedien.de/>

Andrew Gurza shows us how hot disabled sex is
<https://www.sfaf.org/collections/beta/andrew-gurza-shows-us-how-hot-disabled-sex-is/>

Disability After Dark Podcast
<http://www.andrewgurza.com/podcast>

It's not Andrew Gurza's disability that makes sex difficult
<https://xtramagazine.com/love-sex/gurza-disability-sex-183289>

That Time I Organized a Sex Positive Party for People With Disabilities
https://www.huffpost.com/entry/that-time-i-organized-a-s_b_7599892

Influencer/ Content Creator:

Andrew Gurza (Sexpositivity, Queerness & Disability) <https://www.instagram.com/andrewgurza2/>
Katouche <https://www.instagram.com/itskatouche/>

Crutches and Spice <https://crutchesandspice.com/> , https://www.instagram.com/crutches_and_spice/?hl=de

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Funding opportunities

- - Construction measures for more accessibility could be funded
- Club walk-throughs to test accessibility can also be funded