

(S. B. 481)

**(No. 151)**

(Approved December 13, 2005)

## **AN ACT**

To amend Section 18 of Act No. 8 of February 8, 2004, in order to direct the Sports and Recreation Department to open in every region a park without barriers for the enjoyment of persons with physical disabilities; and to provide that the same shall commence with a pilot plan in the Municipality of Río Grande.

### **STATEMENT OF MOTIVES**

The protection of the rights of persons with disabilities is a commitment of all the governments of the world. Thus, the United Nations Organization has proclaimed the following:

Mindful of the pledge made by Member States, under the Charter of the United Nations to take joint and separate action in cooperation with the Organization to promote higher standards of living, full employment and conditions of economic and social progress and development, reaffirming its faith in human rights and fundamental freedoms and in the principles of peace, of the dignity and worth of the human person and of social justice proclaimed in the Charter, proclaims this Declaration on the Rights of Disabled Persons and calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

1. The term <disabled person> means any person unable to provide for himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities.
2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, color, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.
3. Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible. (Emphasis supplied)
4. ....
5. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.
6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthetic

appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counseling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.

7. ....
8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.
9. ....
10. ....
11. ....
12. ....
13. ....

From the preceding Declaration on the Rights of Disabled Persons it arises that they have the right to be treated equally to their fellow citizens. This includes that they have the opportunity to enjoy recreation in equal conditions and without barriers that prevent them from doing so. It is for such reason that this Legislature approved Act No. 238 of August 31, 2004, known as the Sea Without Barriers Act.\*

“Sea Without Barriers” began with the vibrant wish of a young disabled Puerto Rican girl to fully enjoy our beautiful sea. Insisting on making her dream come true, Rosimar Hernández sent a letter, a poem and a drawing to

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\* Translator’s Note: Should read “Bill of Rights of Persons with Disabilities Act.”

the Office of the Governor of Puerto Rico with a description of a project that allow persons in wheelchairs to fully enjoy our natural beauties. A year later, that dream came true upon the approval of said Act No. 238, *supra*.

Exercise and participation in recreational and sports activities is essential for the rehabilitation and reintegration of persons with disabilities into society. At present, the Sports and Recreation Department tends to the needs of the disabled population pursuant to the provisions of Act No. 8 of January 8, 2004.

Although the Sports and Recreation Department tends to the needs of persons with disabilities, the truth is that in Puerto Rico there are no sports facilities especially designed for the enjoyment of persons with disabilities. We deem that this merits the prompt intervention of this Legislature so that measures are adopted to solve this situation.

This bill has as its purpose to extend the concept of “Sea Without Barriers” since it intends to provide recreational sports for all persons in the facilities of the parks of the Government of Puerto Rico. The approval of this bill would make it possible for there to be at least one park adapted to the needs of persons with physical disabilities in all the regions of the Sports and Recreation Department.

The approval of this bill would serve to confirm the public policy of the government regarding the protection of the rights of persons with physical disabilities. Act No. 8, *supra*, states the following on this respect: “The Department shall be responsible for designing recreational and sports programs adapted for the special population and shall promote the rendering of integrated services to said population to comply with the provisions of this Act and of any other applicable special laws.”

In order to achieve the purpose of this legislation without substantially affecting the budget of the Sports and Recreation Department, it is hereby directed that this Act be complied with in phases. In a term of one year as of the approval of this Act, the Sports and Recreation Department shall equip the first park in the Municipality of Canóvanas and shall continue to equip other parks throughout the Island until there is at least one park adopted for the enjoyment of persons with disabilities in each one of the regions.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.-Section 18 of Act No. 8 of February 8, 2004, is hereby amended by adding subsection (g) to read as follows:

“Section 18.-

(g) The Sports and Recreation Department shall have a park without barriers in every region for the enjoyment of persons with physical disabilities. Said park shall be equipped with all the facilities needed for the population with disabilities to enjoy recreational and sports activities.

Section 2.-The Sports and Recreation Department shall comply with the provisions of this Act in a term of five (5) years. Notwithstanding, the Department shall begin to implement this Act in the Municipality of Río Grande, which shall have a park designed to meet the needs of persons with disabilities within a term of one (1) year as of the approval of this Act.

Section 3.-This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 151 (S.B. 481) of the 2<sup>nd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 18 of Act No. 8 of February 8, 2004, in order to direct the Sports and Recreation Department to open in every region a park without barriers for the enjoyment of persons with physical disabilities; and to provide that the same shall commence with a pilot plan in the Municipality of Río Grande,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 6<sup>th</sup> of February of 2006.

Francisco J. Domenech  
Director