

Review Article

Ensuring Judicial and Social Security for the Visually Impaired and Blind Victims: A Comparative Look at the Experiences of America Europe and Iran

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Abstract

Purpose: This article aims to investigate the challenges of protective rights in ensuring the judicial and social security of blind and low-sighted in Iranian legal system and compare it with other legal systems.

Materials and Methods: This study relied on library resources, domestic laws, international documents and comparative studies in the judicial and social systems of the America, Europe and Iran.

Results: This comparative study shows that the American and European systems, relying on tools such as the Americans on Disabilities Act (ADA 1990) and the European on the Convention on Human Rights (ECHR), have created relatively effective platforms for accessing justice and social protection for people with disabilities. In Iran poor monitoring, and budgetary constraints have prevented the full realization of the rights of the low-sighted patients.

Conclusion: The legal system if Iran seems to be lacking good monitoring and implementation and needs to be improved.

Keywords: Protective Rights; Victims; Judicial; Security; Visually Impaired.

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Introduction

Disability is a multi-dimensional phenomenon that is formed by the interaction between individual characteristics, health status, and social and environmental barriers ¹.

According to the WHO, people with disabilities are those with functional limitations in one or more physical, sensory, mental or psychological conditions. The prevalence of disability has increased in recent decades as a result of the increase in life expectancy, the spread of chronic diseases, and social and economic inequalities ².

A 2023 World Health Organization report found that about 1.3 billion people, equivalent to one-sixth of the world's population, live with a disability that limits their daily functioning ¹. In the meantime, 80 percent of this population lives in low- and middle-income countries, where access to rehabilitation and health care services considered to be far more limited ².

According to the World Health Organization's World Vision Report, around 2.2 billion people worldwide have vision impairment, and at least half of these cases are preventable or treatable ³.

Vision disorders have a profound impact on the quality of life, employment, education and social participation of the blind and low vision disabled. Restrictions on access to specialized vision services, direct and indirect costs of treatment, as well as reduced job productivity, put the blind and low-sighted at risk of poverty, isolation and depression ².

In Iran, people with visual disabilities face similar structural and social barriers. Although the Law on the Protection of the Rights of Persons with Disabilities and the Guidelines on the Protection of the Rights of Persons with Disabilities and the Elderly in the Judicial Process have sought to guarantee their rights, the effective implementation

of these regulations still faces institutional, administrative, and budgetary challenges ^{4,5}.

However, social realities show that blind people still do not enjoy equal judicial and social justice and are exposed to double discrimination and inequality in judicial processes ⁴.

Global developments in the field of disability rights show that the pattern of countries' approach has changed from a "care" model to a "rights-based" model. The adoption of the "Convention on the Rights of Persons with Disabilities" (CRPD) in 2006 was a turning point in this development and became the basis for many policies and legislations in various countries, including Iran, the United States of America, and the European Union. Despite this, blind and visually impaired victims continue to face serious challenges ⁶.

In Iran, the Law on the Protection of the Rights of Persons with Disabilities, which is considered the most comprehensive national law in this area covers issues such as environmental adaptation, accessibility, health and rehabilitation services, entrepreneurship and employment, housing, cultural development, judicial support, livelihoods, planning and supervision ⁵. Although the law has improved and have become more inclusive, assessment reports show that there are still shortcomings in the field of executive coherence, effective enforcement guarantees, and institutional coordination between devices. In other words, the development of the legal framework has been largely completed, but the practical realization of social justice for the blind and visually impaired depends on the establishment of transparent, binding, and data-driven mechanisms ⁶⁻⁸.

The aim of this comparative study is to compare Iranian legal system with European and American systems.

Protective Rights Systems in Iran, the United States, and the European Union

In recent decades, the model of protecting the rights of persons with disabilities, especially the blind and partially sighted, has evolved globally from a care-based approach to a rights-based approach. The ratification of the Convention on the Rights of Persons with Disabilities (CRPD) prompted many legal systems, including Iran, the United States and the European Union, to revise their policies and regulations based on the principles of equality, availability and effective participation ⁴.

The Disability Protection Act of 2017 is the most comprehensive national law in this area. The law consists of ten chapters and 34 articles covering various aspects of the lives of persons with disabilities, from suitability and accessibility to judicial protection, employment, housing and culture-building ⁵. According to Article 2 of this Act, the Government is obliged to appropriate the urban environment, public transportation, government buildings and service facilities for the use of persons with disabilities. The seventh chapter is also devoted to judicial support and emphasizes the need to provide facilities in the litigation process for persons with disabilities.

Although the law appears to provide a comprehensive and harmonious set of supportive regulations, its effective implementation faces a number of problems, including a lack of clear enforcement guarantees, institutional dispersion, challenges in the supervision process, and budgetary constraints at the executive level ⁵.

In addition, executive regulations have been developed and promulgated with delays in some cases. For example, the executive regulations for Article 9 of the Law on the Protection of the Rights of Persons with Disabilities, which

deals with health and rehabilitation services, were not approved until 2019. At the same time, the Guidelines on the Protection of the Rights of Persons with Disabilities and the Elderly in the Judicial Process in line with the principles of the CRPD, are an important step towards achieving judicial justice for the blind. These guidelines require the judiciary to provide documents and information in audio or Braille through assistive technologies and to facilitate the presence of a companion or interpreter in court sessions ⁸.

The Legal System of the United States

In the United States, the Americans with Disabilities Act (ADA, 1990) is the most important and influential document in protecting the rights of people with disabilities. After amendments in 2008, this law prohibits discrimination against people with disabilities in various areas, including employment, public services, accommodations, and communications. The Department of Justice (DOJ) and the Equal Employment Opportunity Commission (EEOC) have the main regulatory and enforcement roles in this area. The ADA consists of five parts (Titles I–V):

Title I: Prohibiting Discrimination in Employment and Ensuring Equal Access to Employment Opportunities (Oversight: EEOC)

Title II: Requiring Local Governments and Public Services to Be Accessible to Persons with Disabilities (Oversight: DOJ)

Title III: Requiring Private Places and Services to Meet Accessible Design Standards (Oversight: DOJ)

Title IV: Facilitating Communications and Information Technology through the Federal Communications Commission (FCC)

Title V: Miscellaneous and Supplementary

Regulations

The U.S. Department of Justice has three key missions within the framework of this law: drafting executive regulations, addressing complaints of discrimination, and providing guidance to public and private institutions for the strict enforcement of the law ⁹⁻¹¹.

The U.S. Rehabilitation Act (Rehabilitation Act, 1973), and in particular its 504 and 508 divisions, are the primary legal basis for equal access for persons with disabilities to services and technologies. Section 504 stipulates that no person with disabilities should be deprived of participation in programs and activities that use federal funds solely because of their status. Section 508 also mandates the federal government to make all its digital and electronic content systems usable for the blind according to WCAG standards.

In addition to these provisions, the Law on the Rights of Persons with Disabilities (Crime Victims with Disabilities Awareness Act, 2008) and the Guides of the Bureau for the Protection of Persons (OVC) have specifically addressed ensuring the blind have access to protection, judicial and social services ¹⁰.

In this way, the US legal system is trying to create a bond between criminal justice and rehabilitation, providing a mechanism that blind victims can truly participate in the proceedings.

The Legal System of the European Union

In the European Union, the framework for the protection of persons with disabilities is based on a set of binding and policy documents. The Intuitive Rights Directive (Victims) Rights Directive 2012/29/EU) is one of the most basic of these documents that sets minimum

standards for the identification, protection and participation of victims, particularly those with disabilities ¹². The key principles of this instruction are:

Availability Principle: Ensure physical and informational access by providing information in alternative formats such as braille or audio files.

The principle of individual assessment: identifying the specific needs of victims with disabilities to design appropriate support.

Procedural Adaptation Principle: Predicting specific measures in the course of investigations and litigation, including reducing direct exposure or the use of communication technology.

The principle of specialized support: the establishment of specialized institutions for psychological, social and legal support.

Mandatory Education: Requirement of specialized training for judges, prosecutors and law enforcement in the field of interaction with persons with disabilities.

In addition, the European Accessibility Act (European Accessibility Act, 2019/882/EU), as a complement to this framework, has set the requirements for the design and delivery of products and services accessible in the European domestic market ¹³. The directive aligns with the CRPD Convention and aims to promote effective participation of persons with disabilities in society and to gradually remove physical and digital barriers.

Alongside these regulations, the EU's strategy for the rights of persons with disabilities 2030-2021 has provided a multi-level mechanism for monitoring and monitoring the implementation of protectionist policies in member states ^{14, 15}.

The three main institutions in this system are: the European Commission (policy monitoring),

the European Union Agency for Fundamental Rights (data collection and reporting), and the European Disability Forum (EDF), a network of non-governmental organizations at the continent-wide level.

Comparative Analysis

A review of the three legal systems shows that all three, despite their participation in the acceptance of the principle of equality and the prohibition of discrimination, differ fundamentally in terms of executive structure and enforcement guarantee.

In Iran, the Law on the Protection of the Rights of Persons with Disabilities (2017) has established a comprehensive set of government obligations, but these obligations often face executive challenges. The responsibility for law enforcement is divided among several entities, and this has caused interference of duties and weakness in accountability⁴.

In contrast, the U.S. system is based on a guarantee of direct enforcement and individual litigation. According to the law with Disabilities Act (ADA, 1990), any discrimination or failure to provide accessibility can be subject to private or federal complaints^{2,5}. The existence of independent executive mechanisms such as ADA Technical Assistance Center also ensures technical monitoring.

The European Union has adopted a multi-level and coordinated approach with the adoption of the European Accessibility Act (2019) and the Victims' Rights Directive (2012/29/EU). These instruments oblige member states to develop and implement common technical standards for products, services and public spaces not only at national level but also at Union level¹⁶⁻¹⁸. However, differences in the level

of commitment and enforcement capacity of member states are an obstacle to the uniform delivery of justice for blind individuals.

Challenges in Protective Rights for the Blind and Visually Impaired

Despite legal advances, blind and partially sighted individuals still face serious barriers in all systems reviewed. According to international reports, victimization rates among people with disabilities, particularly in the areas of domestic violence, financial abuse, and communication restrictions, are more than double the average for the general population¹⁸.

One of the reasons for this situation is social isolation and dependency on caregivers, which provides the basis for violence and abuse¹⁸. On the other hand, blind individuals also face communication barriers in reporting crimes, and in many cases, their complaints are not taken seriously or do not have the necessary access to official authorities¹⁹.

In the criminal procedure, the blind also face additional problems such as the difficulties with studying documents, difficulty in informing the process of the case and limitations in effective attendance at the legal meetings. For this reason, leading legal systems emphasize Procedural Accommodations, including the provision of information in Braille or Audio format, the possibility of accompanying or assistant attendance, and specialized training for police officers and judges¹⁸. In Iran, although the principles 20 and 21 of the constitution and the law for the protection of the rights of the disabled emphasize legal equality, in practice, blind victims do not have sufficient protection in the criminal procedure. The Judiciary Directive 2023 is a step forward, but in order to implement it effectively it

needs to upgrade technical infrastructure and promote the necessary training ¹⁸.

Comparative comparison shows that in the United States, law enforcement ADA and Section 504 of the Rehabilitation Act have strong executive guarantees, and blind victims can be found in the event of a violation of their rights 'directly file a lawsuit in federal court. In the European Union, multi-level regulatory mechanisms with the participation of civil institutions and the dissemination of public reports have allowed effective follow-up and accountability. But in Iran, the regulatory mechanism of Article 31 of the Disabled Rights Protection Act still requires institutional independence, data transparency, and a guarantee of further implementation ¹⁸.

Final Analysis, Conclusions, and Recommendations

A comparative study of the legal systems of Iran, the United States and the European Union shows that the degree to which the protection rights of the blind and the low-sighted are realized is highly dependent on the effectiveness of executive and regulatory mechanisms. All three systems in their upstream documents have accepted principles such as equality, non-discrimination and accessibility, but the practical implementation of these principles and their enforcement guarantees are different.

In the United States, the centralized executive structure, with active oversight by the Department of Justice and the Equal Employment Opportunities Commission, along with the adoption of supportive laws, attempts to make laws more effective for people with vision disabilities. The possibility of direct complaints of persons with disabilities against law-abiding bodies

and the obligation of courts to issue binding sentences are among the important factors for the practical realization of protection rights in this country ¹⁰.

In contrast, in the European Union, a multi-level and networked approach involving government institutions, the European Parliament, civil society organizations, and the European Disability Forum (EDF) has taken the implementation of protection laws out of the hands of governments and transformed them into a comprehensive social and monitoring process. Transparency in reporting and periodic publication of disability rights implementation indicators is considered to be one of the effective factors in the efficiency and effectiveness of the European legal system ¹³.

In Iran, the law on the protection of the rights of persons with disabilities is conceptually aligned with the CRPD, but the implementation and monitoring phase still faces challenges. The limited independence of oversight bodies, challenges in ensuring implementation, and the adverse effects of budget shortfalls due to the country's current economic conditions are among the current challenges to protective laws in Iran. Particularly in the area of criminal justice, the lack of specialized training for judges and judicial staff in interacting with persons with visual disabilities has prevented the principle of equal access to justice from being fully realized ¹⁹.

Part of the differences between the systems in question, in addition to the differences in the text of the laws, is due to the difference in the way the legislative body views the issue; in Western legal systems, the view is based on individual rights, while in the Iranian legal system, the dominant view is based on the principles of social welfare and a needs-based approach.

A) Executive Challenges in Iran

The main challenges in implementing the rights of the blind and visually impaired can be summarized in several areas:

Institutional fragmentation: The responsibility for implementing the law on the protection of the rights of the disabled is divided among several institutions (the Welfare Organization, the Ministry of Cooperatives, the Ministry of Health, municipalities, and the judiciary), but none of them is solely responsible for accountability. Such conditions can in some cases be accompanied by the challenge of parallel work and lack of maximum efficiency in the use of resources ¹⁹.

Weak monitoring and enforcement: The committee under Article 31 of the law is responsible for monitoring its implementation, but this requires executive powers and the allocation of more resources. The predominantly recommendatory nature of the committee's reports also requires a structure and binding arrangements. Lack of specialized training for judges and bailiffs: Despite the provision in Article 16 of the Judiciary Directive 2023 to train judges and judicial staff in interacting with persons with disabilities, in practice, widespread implementation of this continues to be a challenge.

Lack of data and statistics: The lack of a comprehensive information system to record the status of visually impaired victims prevents accurate evaluation of policies and development of corrective programs.

Insufficient cultural development: In many cases, the social attitude towards the blind is still accompanied by a compassionate approach and a patriarchal view rather than a purely rights-based one. This can affect the way officers and even judges interact in the process ².

B) Existing Achievements and Opportunities for Strengthening

provincial centers, and the expansion of access to libraries and digital audio resources are among the positive measures. Also, the cooperation of the Welfare Organization with the Judiciary's Social Deputy in developing protocols for supporting victims with disabilities can pave the way for practical developments.

Iran also has unique jurisprudential and cultural capacities that can provide a strong theoretical basis for the development of protection rights.

C) Recommendations

Developing a comprehensive document to support victims with visual disabilities: This document should be developed in cooperation with the judiciary, the Welfare Organization, the Ministry of Justice, and civil society organizations, and should include evaluation indicators, a timetable, and a public reporting system.

Establishing an independent oversight body: Establishing a "National Center for Monitoring the Implementation of the Rights of Persons with Disabilities" by combining representatives of the government, the judiciary, and non-governmental organizations can contribute to the transparency and accountability of responsible institutions.

Continuous and specialized training for judges and bailiffs: Designing training courses on accessible justice, communication skills with the blind, and the principles of the CRPD Convention is essential for all judicial staff.

Strengthening enabling technologies: Developing digital infrastructure in courts to provide services in audio, Braille, and online to the blind and visually impaired should be a

priority.

A comprehensive data-driven system and continuous monitoring: Establish a national data system for victims with disabilities for statistical analysis and effective policymaking. Promoting public and cultural awareness: Holding information campaigns in public media to improve society's attitude towards the blind from the perspective of citizenship rights.

Modeling successful international experiences: Adapting successful implementation models in the United States (ADA and Rehabilitation Act) and the European Union (Victims' Rights Directive and Accessibility Act) with cultural and legal adaptation to the Iranian system.

Conclusion

The legal system of Iran seems to be lacking good monitoring and implementation and needs to be improved.

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