



## NEWS REPORT

**Date:** 22 June 2009  
**Expert:** Lorenzo Cachón  
**Title:** Iberia Airline is found guilty of indirect discrimination against three deaf people  
**Country:** Spain

### Context

**Issue at stake:** The airline Iberia has been found guilty of not allowing three unaccompanied deaf people to fly and must change its Flight Operation Manual because it is deemed indirectly discriminatory against disabled people

**Ground discrimination:**

**Source:** court decision

**Field:** access to goods and services

**Legislative provisions:** Law 51/2003 of 2 December on Equal Opportunities, Non-discrimination, and Universal Access for Persons with Disability

### Content

**Case:** The airline Air Nostrum, a subsidiary of Iberia Líneas Aéreas de España, refused to allow three deaf people on board on the grounds that they were unaccompanied. It claimed that according to its Flight Operation Manual, the safety of these people could be at risk in an emergency situation. A court of first instance (Court first Instance nº 57 of Madrid, 31 October 2008) ruled in Iberia's favour, but the Madrid Provincial Court, in its Judgment 211/2009 of 6 May 2009, ruled in favour of the three deaf people, who were represented by the National Confederation of the Deaf and the Spanish Committee of Disabled People's Representatives. These two organisations initiate the legal proceedings

**Decision of the Court:** The Madrid Provincial Court stated that this is a case of "indirect discrimination" and notes that Law 51/2003 of 2 December on Equal Opportunities, Non-discrimination and Universal Access for Persons with Disability prevails over Iberia's Flight Operation Manual, and that not allowing these three deaf people on board may be regarded as



“indirect discrimination” pursuant to art. 6.2 of that Law (which transposes art. 2.2.b of Directive 2000/78/EC).

Further to that, the Court ordered Iberia to take steps to ensure that “the infringement of disabled people’s rights ceases and that deaf people are not discriminated against in its flights”. The Court ordered a symbolic compensation of one euro each of one of for the three deaf people.