

QUALITATIVE ANALYSIS OF THE LAW RELATING TO PERSONS WITH DISABILITIES IN THE STATE OF AMAZONAS (ENACTED LAW 241/15): THE RIGHT OF AUTISTIC PEOPLE TO AN INCLUSIVE ENVIRONMENT

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ABSTRACT

The main objective of this study was to verify the rights of people with disabilities in the State of Amazonas, specifically analyzing the areas covered by the Enacted Law 241/2015, which seeks to make the environment more inclusive for these individuals, and to investigate its correlation with Autism Spectrum Disorder (ASD). The methodology adopted consisted of a qualitative analysis based on legal documents and scientific texts relevant to the environment and autism. The provisions of the aforementioned state law were analyzed and its implications for people with disabilities, including those with ASD, in the environmental context of the State of Amazonas were examined. The study showed that the legal provision, by covering a wide range of areas in civil life, plays a satisfactory role in promoting the inclusion of people with disabilities in the State of Amazonas. Its comprehensive approach reflects a significant commitment to equality and accessibility, providing a strong foundation for fostering a more inclusive and accessible environment for all citizens.

Keywords: Rights of Persons with Disabilities. Autism Spectrum Disorder – ASD. Inclusion and Accessibility.

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INTRODUCTION

The inclusion of individuals with Autism Spectrum Disorder (ASD) in society is a multifaceted challenge, requiring a holistic approach that is sensitive to their particular needs. In this context, this study aims to carry out a qualitative analysis of the Enacted Law 241/2015, exploring the correlation between the accessibility of public and private spaces with the right to an accessible environment and the needs of people with autism.

The results point to a complex interconnection between the need to legislate and the effective inclusion of autistic people in society, since to achieve this goal, it is crucial to address a variety of aspects, from architectural issues, such as adequate lighting and reduction of excessive sensory stimuli, to the creation of specific measures aimed at ensuring an environment conducive to personal development and the full exercise of citizenship by this population.

In this context, Law 241/15 is enacted in Amazonas, which consolidates the legislation regarding people with disabilities and reduced mobility in the state, whose purposes are to promote, protect and ensure the full and equitable exercise of all human rights and fundamental freedoms for people with disabilities, as well as to promote respect for their inherent dignity.

The research aims to highlight the continuous importance of developing public policies that promote the creation of environments appropriate to the specific needs of people with Autism Spectrum Disorder, emphasizing the relevance of access to an inclusive environment for this population. This effort is essential to ensure that the fundamental rights of these individuals are fully recognized and met.

METHODOLOGY

The present research is a qualitative analysis, carried out from the documentary analysis, where the inclusion criteria for documentary classification stand out:

Constitutional Provisions; Federal Laws; State Laws and Scientific Texts that deal with Autism and the Environment. Municipal laws or laws and texts that do not directly address these topics in at least 1 entire chapter are excluded.

For the production of this research, articles available in the main sources that contained national and international journals that had studies on autism and the environment in their collection were evaluated, that is, the CAPES Journal Portal and the Digital Library of Theses and Dissertations - BDTD.



DEVELOPMENT

THE CULTURAL AND ENVIRONMENTAL VULNERABILITY OF PEOPLE WITH DISABILITIES

Each disability is unique, presenting unique characteristics and needs that influence how individuals interact with the world around them. When studying the different disabilities, it is evident that, although they are part of the same social group, each of them develops its own culture, shaped by its specific experiences and challenges that can be classified from the identification of recurring patterns in the myths and rituals of these different cultures. (Levi-Strauss, Claude. 1993)

This cultural expression includes everything from adapted forms of communication, such as sign language for the deaf, to tactile reading methods for the blind. In addition, there is a strong interaction between the needs of people with disabilities and the social structure in which they are inserted, often resulting in forms of dependence and adaptation. For example, autistic people often rely on structured routines to feel comfortable, while the physically disabled find support and inclusion through sporting events such as the Paralympics.

In a context of the relations between social sciences and law, a dialogue about ASD can be established by bringing to the analysis the book "Structural Anthropology Two" by Claude Lévi-Strauss, in which the author deals in his reflections on the structures underlying human cultures, exploring the way in which myths, rituals and symbolic systems reflect universal patterns of thought. By relating these concepts to the theme of inclusion of people with disabilities, one can find several observations about the nature of human diversity and the ways in which societies deal with it.

Lévi-Strauss argues that myths and rituals play a key role in the organization of societies, reflecting deep mental structures that are common to all cultures. Similarly, policies and practices for the inclusion of people with disabilities can be seen as manifestations of these underlying structures, in this case composing a new structure and revealing a society's perceptions and values in relation to functional diversity.

In addition, Lévi-Strauss emphasizes the importance of structural analysis to understand the logic underlying the symbolic systems of cultures. Similarly, legislation and policies for the inclusion of persons with disabilities can be analysed in the light of the social and cognitive structures that underlie them. This allows us to identify recurring



patterns, contradictions, and gaps in existing approaches and develop more comprehensive and effective solutions.

In another text by the author, he brings a perspective that examines how different societies, especially those considered "savage" or non-Western, conceive the world and organize their social and cognitive structures in unique and complex ways. Within this context, there are social parallels with the contemporary approach to the inclusion of people with disabilities.

Just as the societies analyzed by Lévi-Strauss develop systems of thought that reflect their social and environmental realities, legislation for the inclusion of people with disabilities is shaped by the specific needs and challenges faced by this group in contemporary society. In the same way that "wild" cultures adapt to their natural environment, this legislation seeks to adapt the social and physical environment to ensure the full and equal participation of people with disabilities.

The notion of cultural and cognitive diversity, explored by Lévi-Strauss, can also be applied to the context of disability. Each individual, regardless of their abilities or limitations, contributes in a unique way to human diversity. Just as "wild" cultures are seen as different but equally valid, the functional diversity of people with disabilities must be recognized and valued in the pursuit of an inclusive society.

That said, the term "environmental hyposufficiency" stands out, which refers to a concept that highlights the vulnerability of certain social groups or individuals in relation to the environment (Haonat, A. 2011). This vulnerability can be caused by several factors, such as lack of economic resources, limited knowledge about environmental issues, lack of access to information, or adequate means to adapt to established environmental standards. Read, an environmental underprivileged person is someone who, due to their socioeconomic, educational or other conditions, is at a disadvantage in relation to the protection and preservation of the environment.

By drawing a parallel with people with disabilities, it is verified that they need government assistance to obtain an inclusive environment, an overlap of challenges faced by both groups can be observed. In this way, people with disabilities who often face physical, social and economic barriers that hinder their full participation in society and access to an environment appropriate to their needs fit the classification brought by the concept of environmental undersufficiency.



Thus, to ensure an inclusive environment in all aspects for people with disabilities, public policies and specific measures are needed that take into account their needs and capabilities. This can include implementing accessible infrastructure such as sidewalks and adapted buildings, inclusive transportation policies, education and awareness about accessibility issues, among other initiatives.

AUTISM SPECTRUM DISORDER AND LEGISLATION FOR PEOPLE WITH DISABILITIES

Autism, in turn, is a complex disorder that presents considerable challenges in its definition due to its heterogeneous manifestation in different individuals and divergences in medical approaches (Evêncio, K. et al. 2019) especially because it is a condition that is a spectrum, so the symptoms can present themselves in different ways in each carrier, as it refers to the International Classification of Diseases (ICD-10), adopted in Brazil for this diagnosis (F 84.0 and later).

The welcoming of the ASD person is materialized in the understanding of the difficulties faced in the domains of social communication and restricted and repetitive behaviors. Autism not only recognizes the diversity of symptoms, but also prioritizes assessing individual needs and providing appropriate support in different areas of functioning. This more holistic and flexible approach facilitates a more personalized and person-centered intervention, taking into account their specific abilities and difficulties (Fuentes, D. *et al.*, 2013).

These updates to diagnostic classifications and criteria are critical to a better understanding and approach to autism, as they direct not only the identification of symptoms, but also intervention and support strategies. Through the recognition of ASD as a spectrum and the prioritization of individual needs, it is hoped to promote a more inclusive and effective approach to people with autism in different contexts.

In the legal context, the Berenice Piana Law, formally known as Law No. 12,764/2012, represents the main normative instrument that deals with the protection and guarantee of the rights of people with Autism Spectrum Disorder in Brazil. This legislation was enacted on December 27, 2012 and is named in honor of Berenice Piana, mother of an autistic son and an important activist in the fight for the rights of people with ASD.

One of the central aspects of the Berenice Piana Law is the legal recognition of ASD as a disability (art. 1 § 2), granting people with autism rights and protections guaranteed by



Brazilian legislation aimed at people with disabilities (Law 13.146/15). This means that people with ASD are guaranteed access to a range of benefits and services, including healthcare, education, housing, the labor market, social security, and social assistance.

In addition to recognition as a person with disabilities, the Berenice Piana Law establishes clear guidelines for the protection and inclusion of people with ASD in Brazilian society. These guidelines include the promotion of intersectoriality in public actions and policies, the participation of the community in the formulation of policies aimed at ASD, the encouragement of insertion in the labor market, and the guarantee of comprehensive health care.

The Federal Constitution of 1988, in turn, establishes the fundamental principles that govern Brazilian society, including individual and collective guarantees and rights. With regard to the right to the environment, CF/88 establishes solid foundations for its protection and preservation.

Article 225 of the Federal Constitution is a constitutional reference on the subject, stating that "everyone has the right to an ecologically balanced environment, a good for the common use of the people and essential to the quality of life, imposing on the Public Power and the community the duty to defend and preserve it for present and future generations". This provision enshrines the right to a healthy environment as a fundamental right of all citizens and establishes the shared responsibility between the State and society in its protection, which is necessary to note that this characteristic embraces the concept of an accessible environment.

Also, at the federal level, there is the Statute of Persons with Disabilities, Law No. 13,146/2015, which recognizes and ensures the rights of people with disabilities, ensuring their social inclusion and the full exercise of their citizenship. The Statute brings important provisions that correlate the right to the environment with the guarantee of the rights of people with disabilities, such as Article 9, which highlights that it is the right of people with disabilities "to enjoy accessible urban and rural environments, including transportation, buildings, services and spaces for public use, as well as the elimination of architectural barriers and all forms of discrimination". This provision underscores the importance of ensuring access for persons with disabilities to an inclusive and accessible environment that allows them to fully enjoy public spaces and nature.

In addition, Article 47 of the Statute establishes that it is the duty of the public authorities to promote the inclusion of people with disabilities in all environmental policies



and programs, ensuring their full and effective participation. This means that the State has the responsibility to adopt measures to ensure that policies and actions related to the environment consider the needs and specificities of people with disabilities, promoting their active participation in the preservation and sustainable use of natural resources.

Within a state context, the Constitution of the State of Amazonas, enacted in 1989, is also highlighted, which, like the Federal Constitution, recognizes the right of all people, including those with disabilities, to an ecologically balanced and accessible environment, reflecting the concern with inclusion and the guarantee of fundamental rights for all citizens.

Article 228 of the Constitution of the State of Amazonas establishes that it is the duty of the State to promote the elimination of physical and architectural barriers, aiming at the accessibility of people with disabilities to public spaces, buildings and transportation. This provision demonstrates the State's commitment to ensuring that people with disabilities can enjoy the benefits of the environment in an inclusive manner and without discrimination, ensuring them adequate conditions for their active participation in society.

In addition, Article 229 of the State Constitution of Amazonas highlights the need to promote inclusive environmental education, which takes into account the needs and specificities of people with disabilities, contributing to their awareness and engagement in the protection and preservation of the environment.

Based on the above, it can be seen in Table 1 that the norms that establish the main guidelines for guaranteeing the right to an inclusive environment complement each other. While a law has the role of establishing the right to be observed, the other norms introduce the concept of the subject of rights who will be the beneficiary of these provisions.

Frame 1 - Correlation of normative provisions that bring the general rules.

Legal Provision	Responsibility of the Government in Promoting an Inclusive Environment	Conceptualization of People with Disabilities and ASD	
Federal Constitution/88	art. 5, art. 225	X	
State Constitution - AM	art. 228, art. 229	X	
Law 13.146/15 (Est. PCD)	art. 9, art. 47	Art. 2	
Law 12.764/12 (Est. TEA)	X	Art. 1	

Source: Prepared by the authors. 2024



THE STATE OF AMAZONAS AND ENACTED LAW 241/2015

With the general normative apparatus established, the State of Amazonas enacts Law 241/2015, whose main objective is to consolidate the legislation related to people with disabilities at the state level. It defines in its articles 1 and 2 the purposes of promoting, protecting and ensuring the full and equitable exercise of human rights and fundamental freedoms for all people in these conditions, as well as promoting respect for their inherent dignity, which in turn already guarantees convergence with the general guidelines, that is, These purposes reflect a serious commitment to ensuring that people with disabilities or reduced mobility have equal access to their fundamental rights, as well as ensuring that they are treated with respect and dignity in all aspects of life.

Article 3 of this law establishes the foundations on which it was created. First, it is based on Federal Decree No. 6,949, of August 25, 2009, which enacted the Convention on the Rights of Persons with Disabilities and its Optional Protocol. This treaty was signed at the United Nations headquarters in New York, on March 30, 2007, and ratified by Federal Legislative Decree No. 186, of July 9, 2008. The ratification was carried out following the procedure established by paragraph 3 of article 5 of the Federal Constitution, which was included by Federal Constitutional Amendment No. 45, of 2004, in addition to other legislation that involves the protection of the human rights of people with disabilities.

From article 4 of the law in question, there is the establishment of the definition of the subject of rights, that is, who are the people with disabilities and in the context of Autism Spectrum Disorder, these definitions have significant relevance, as ASD is recognized as a definitive condition of disability. In addition, this article brings concepts about several thematic areas that are pertinent, such as the concepts of reasonable accommodation, assisted technology, accessibility, barriers, and others.

Among them, it is worth highlighting the concept of accessibility that comes to ensure that people with ASD can fully participate in society. This includes, for example, access to physical spaces, transportation, information, and communication in a safe and autonomous way. It is important that environments are designed taking into account the specific needs of people with disabilities, ensuring that they can move and communicate freely and especially that such environments are not harmful to the health and well-being of these people.

Another aspect addressed in Law 241/15 is accessibility in buildings that provide public or private services of public interest (art. 5), such as hospitals, schools, banks, and



supermarkets, among others. This section sets out clear guidelines to ensure that these places are accessible for all people, including those with disabilities or reduced mobility. In the context of Autism Spectrum Disorder (ASD), these provisions are especially relevant, even though they have been designed for other disabilities, this is a useful section in this area including through the example of sensory rooms at airports.

There is still a requirement that buildings primarily be located on the ground floor or on floors with adequate accessibility, which is essential to ensure that people with ASD and other disabilities have easy access to these spaces. In addition, the reservation of parking spaces and the availability of adapted bathrooms are important measures to meet the specific needs of these individuals, especially those who have a higher degree of support.

Further, aiming to promote a more inclusive environment, with incentives for culture, article 16 of the law establishes specific measures to ensure the access and inclusion of people with disabilities in a variety of events and public places with the institution of free admission for people with disabilities and half-price tickets for their companions in cultural events, sports and leisure. That is, this measure recognizes the need for additional support that many people with disabilities need to participate in these events fully.

The mandatory reservation of tables and seats for people with disabilities, the elderly and other people with special needs in cinemas, restaurants and similar establishments, as established by Article 21, is another important measure to ensure that these people have equal access to public entertainment and food spaces as well as the requirement of priority and accessible cashiers for people with disabilities in commercial establishments.

Articles 28 to 33 of this legislation establish fundamental obligations for tourist enterprises, including hotels, inns and transport services. They require architectural and engineering adequacy according to accessibility standards of ABNT and Federal Decree No. 5,296/2004, the reservation of accessible rooms and training for employees in the care of people with disabilities. In addition, they determine the accessibility of common areas, international identification for new developments and the guarantee that transport services are accessible. These measures aim to promote accessible tourism and the inclusion of people with disabilities in the state's tourism sector.

Addressing other aspects of civil life, Article 52 establishes that driver training centers in the State of Amazonas must adapt at least one vehicle in their fleet to offer driving lessons to people with disabilities. Following this line, Article 53 deals with car rental



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companies, requiring them to keep at least one adapted vehicle in their fleet for rental to people with disabilities. These measures highlight the Government's commitment to the inclusion of people with disabilities in access to training and mobility. By ensuring that driver training centres and car rental companies provide tailored resources, equal opportunities and the full enjoyment of the civil rights of these citizens are promoted.

The legislation also aims to combat discrimination by ensuring equal access to employment, education, and health opportunities. In addition to establishing measures to facilitate access to essential services, such as public transport and commercial facilities, as well as addressing other aspects of daily life as described in table 2.



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Frame 2 - Correlation table of Law 241/15 and TEA. Organization of Articles by Civil Aspect and Large Area.

Aspect Covered	Large Area of Civilian Life	Type of Disability Benefited	Articles	TEA Interest
Accessibility in public and private spaces	Accessibility	Various types of disability	(Enacted Law 241/2015) Art. 5, 24, 25	Accessibility in public spaces, reservation of parking spaces and adapted toilets
Access to cultural, sporting, and leisure events	Culture, Leisure and Sport	Various types of disability	(Enacted Law 241/2015) Art. 16, 18, 21, 22	Access to cultural events, adapted toys in leisure areas
Accessibility in public buildings and public use	Infrastructure	Various types of disability	(Enacted Law 241/2015) Art. 24, 25, 26	Accessibility in public buildings
Accessibility in tourist and accommodation establishments	Tourism	Various types of disability	(Enacted Law 241/2015) Art. 28, 29, 30, 31	Accessibility in tourist establishments
Accessibility in transport services	Transport	Various types of disability	(Enacted Law 241/2015) Art. 33, 52, 53, 55	Accessibility in transport services
Fundamental rights and protection against discrimination	Civil rights	Various types of disability	(Enacted Law 241/2015) Art. 70 to 77	Fundamental rights
Priority service in various establishments and services	Priority Service	Various types of disability	(Enacted Law 241/2015) Art. 80 to 84	Priority service
Affordable and inclusive housing	Housing	Various types of disability	(Enacted Law 241/2015) Art. 85 to 94	Affordable housing
Social assistance and specific programs	Social assistance	Various types of disability	(Enacted Law 241/2015) Art. 95 to 99	Social assistance
Responsibility of public bodies in guaranteeing basic rights	Public Policy	Various types of disability	(Enacted Law 241/2015) Art. 109	Responsibility of public agencies
Inclusive and accessible education	Education	Various types of disability	(State Constitution) Art. 229	Inclusive education
Assistive technology and reasonable adaptation	Assistive Technology	Various types of disability	(Enacted Law 241/2015) Art. 4, 67	Assistive technology
Promotion of awareness and engagement in environmental protection	Environment	Various types of disability	(State Constitution) Art. 229	Promotion of awareness and engagement in environmental protection
Installation of adapted toys in leisure areas	Culture, Leisure and Sport	Various types of disability	(Enacted Law 241/2015) Art. 5	Access to cultural events, adapted toys in leisure areas
Reservation of tables and seats for people with disabilities in establishments	Culture, Leisure and Sport	Various types of disability	(Enacted Law 241/2015) Art. 21	Access to cultural events
Mandatory loan of wheelchairs in public service places	Health and Wellness	Various types of disability	(Enacted Law 241/2015) Art. 22	Accessibility in transport services



Ensuring equal access to assistive technology products, resources, and services

Assistive Technology Various types of disability

(Enacted Law 241/2015) Art. 67

Assistive Technology, Accessibility in Transportation Services

Source: Organized by the authors. 2024.

CONCLUSION

The legislation described reflects an important advance in the promotion of rights and in ensuring the inclusion of people with disabilities, especially in the State of Amazonas. By establishing clear guidelines for accessibility in various aspects of daily life, from access to public spaces to the right to education and leisure, this legislation demonstrates the State's commitment to ensuring that all people can fully enjoy their fundamental human rights, without discrimination or barriers.

The inclusion of the specificities of Autism Spectrum Disorder (ASD) within this context is particularly significant, as it recognizes the unique needs of these people and seeks to ensure that they are adequately met in all aspects of life. By bringing clear definitions, establishing accessibility measures, and promoting awareness, this legislation contributes to creating a fairer and more inclusive society for all.

However, it is essential that these provisions are implemented effectively and that there is a continuous effort to monitor and ensure compliance with them through the provision of an equally accessible database, which in the course of the research was not found.

Ultimately, the true measure of the success of this legislation will be the tangible improvement in the quality of life and well-being of people with disabilities and their families, which can be further studied, with the aim of qualitatively analyzing the perception of these populations about the applicability of the law.



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