Increasing Access to Justice for People with Disabilities

## How is Access to Justice related to achieving civil rights for people with disabilities? How can Access to Justice be improved for people with disabilities?

**Access to justice is the equal ability to fully be heard and to participate in all aspects of the justice system in your country without discrimination on the basis of disability.** Discrimination includes bad treatment on the basis of prejudice and stereotypes about disability (for example, that people with mental health disabilities are prone to commit violent crimes). It also includes a failure to provide reasonable accommodations to overcome historical and existing physical and programmatic barriers experienced by people with disabilities.

Examples of barriers in the justice system include:

* Physically inaccessible courtrooms
* Lack of Sign Language interpreters during police interrogations or court hearings
* Failure to provide needed medications and healthcare treatment to incarcerated individuals in jail or prison

Increasing access to justice for people with disabilities involves working on achieving fair treatment before and under the law (including providing effective communication) and ensuring due process to every person with a disability in all aspects of the topic:

* **Police interactions**, either as the victim of a crime or as the alleged perpetrator of a crime
* **Hearings and trials**, whether participating as a plaintiff or defendant, a lawyer or juror, or a witness
* **Administrative hearings** (in whatever form it exists in your country), where government agencies conduct hearings and make decisions that affect an individual's rights--on immigration, property, benefits, education, and more
* **Incarceration** in any level of jail or prison
* **Employment or appointment** of people with disabilities within the justice system, including as judges

Work on Access to Justice can be focused and technical, or broader--involving, for example, raising political and public awareness of discrimination against people with disabilities in the justice system in preparation for passing specific laws or regulations that require non-discrimination and reasonable accommodations in the justice system.

Given the scope of the topic, it may not be possible to "fix"--or even work on--every aspect of increasing Access to Justice quickly. However, one strategy is for local Disabled Peoples Organizations (DPOs) to assess the needs of the disability community to determine which aspect or aspects of Access to Justice should be addressed by advocates. The assessment should consider the priority interests of their network, current opportunities and risks, and the status of ongoing relationships with government, businesses and other non-governmental rights organizations (NGOs).

For example, a topical story about the discriminatory treatment of a person with a disability by police could provide a timely opportunity to raise Access to Justice for people with disabilities as a topic on which the political candidates in an upcoming election have to formulate policies and campaign promises. If a person with a disability is currently involved in a case in the courts, his or her failure to receive needed accommodations could become a focal point for outreach to news outlets as well as an opportunity to develop training materials, policies, and procedures for judges and courthouse staff to disseminate and implement within the state.

Regardless of the particular focus of work on Access to Justice, there are a few principles that remain key components of successful disability rights movements. Learn more about these principles on our website:

* [Cross-disability coalition-building](http://www.globaldisabilityrightsnow.org/principles/3)
* [Emphasis on disability and human rights](http://www.globaldisabilityrightsnow.org/principles/5)
* [The importance of having laws in place](http://www.globaldisabilityrightsnow.org/principles/9)
* [The need for detailed implementing regulations,](http://www.globaldisabilityrightsnow.org/principles/8) policies, procedures and tools so that reasonable accommodations can be consistently and sustainably addressed over time