



The rights of people with disabilities



Making sure people with disabilities get justice



EasyRead version of:

International Principles and Guidelines on access to justice for persons with disabilities



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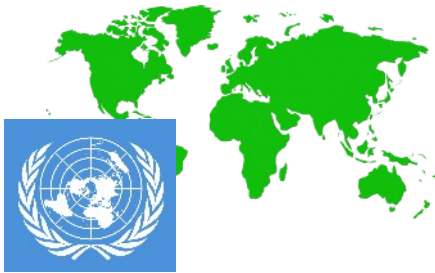


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Hard words are in **bold**. These words are explained in a list at the end of this report.

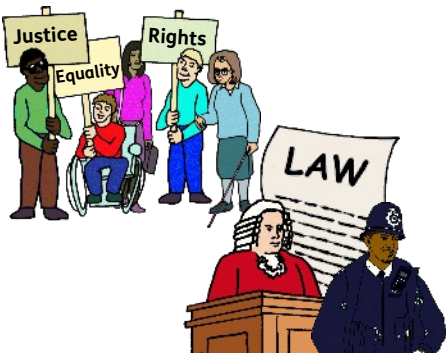
1. About this paper



The **United Nations** is a group of 193 countries. They work together to make the world a safer place for everyone.



An international agreement called the United Nations **Disability Convention** says people with disabilities have the same **human rights** as everyone else.



The police, courts and the law play an important part in protecting people's **rights**.



But many laws, or the way they are used, **discriminate** against people with disabilities and take away their rights.



This paper is about the part of the Disability Convention that says governments that sign the convention must make sure people with disabilities get **justice**.



It says what countries should do to make sure people with disabilities are treated fairly by the police, courts and law.

This paper was written by:



- the **Special Rapporteur** on the rights of persons with disabilities
- the **Committee on the Rights of Persons with Disabilities**
- the **Special Envoy of the Secretary-General on Disability and Accessibility**.



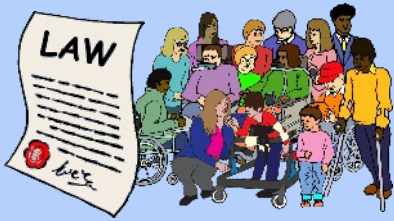
They work with the United Nations to help countries understand how to make sure people with disabilities get their human rights.



The Office of the **High Commissioner for Human Rights** is part of the United Nations. They make sure that everyone in the world is treated fairly and has their rights respected.



The High Commissioner for Human Rights said that these principles and guidelines are a very important document that will help States make sure people with disabilities have the same rights to justice as everyone else.



2. Everyone is equal under the law



Democracy is when people have control over how their country is governed. But this can only happen with good laws and respect for human rights.



A good democracy supports and protects people with disabilities.

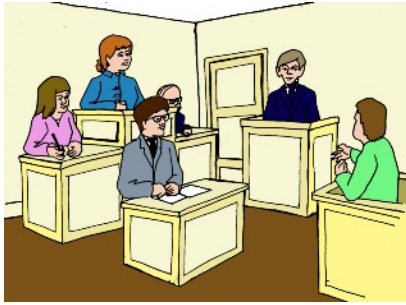


This means people with disabilities can use the law to fight discrimination and get their rights.



People with disabilities have the right to be included in all parts of the justice system to:

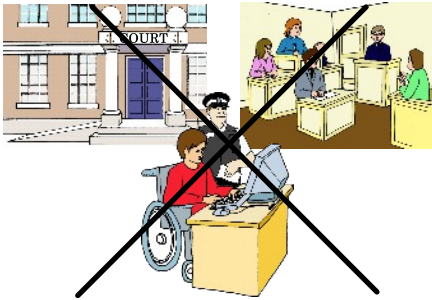
- go to court



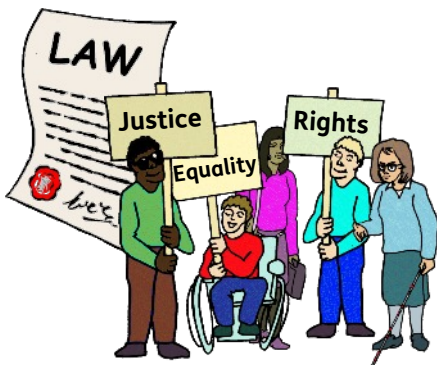
- take other people to court



- take part in the work of the police and courts.



But often this does not happen.



Judges and the courts should support people with disabilities to get these rights. They should use the law to protect human rights and speak up if they think unfair laws should change.



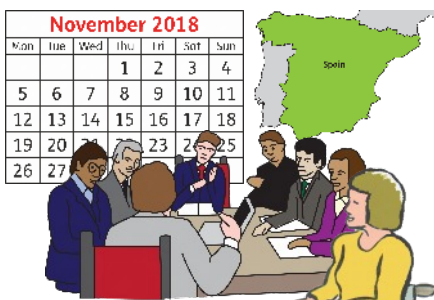
The United Nations says that people with disabilities have **legal capacity**. Legal capacity means that anyone over 18 years old can make legal decisions as everyone else. And to have support if they need it to use this right.



3. Making sure people with disabilities get justice



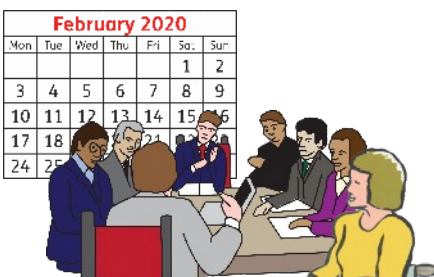
The Special Rapporteur on the rights of persons with disabilities is an expert who helps countries understand how to make sure people with disabilities can get their human rights.



In November 2018 the Special Rapporteur, who was Catalina Devandas Aguilar, held a meeting with the **Office of the High Commissioner for Human Rights** and the government of Spain.



At this meeting, experts talked about how to make sure people with disabilities have the same rights respected as everyone else under the law.



In February 2020 the Special Rapporteur called another meeting to agree a set of **Principles** and **Guidelines** to help all governments give people with disabilities these rights.



Principles are basic rules that affect what you think and how you behave.



Guidelines give advice about how to make these rules work.

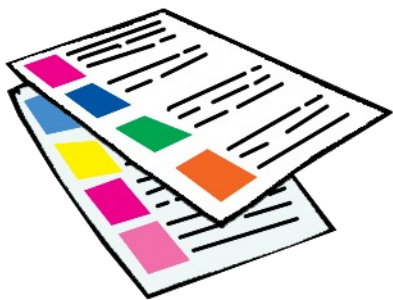


This involved United Nations groups that work for people with disabilities and organizations of people with disabilities. Judges and international disability groups supported the work.

These include:



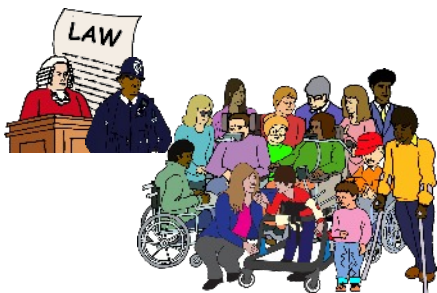
- the **International Commission of Jurists**
- the **International Disability Alliance**
- the **United Nations Development Programme**.



This is an EasyRead version of the Principles and Guidelines.



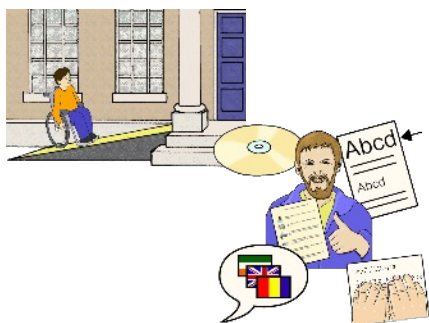
4. Why we need principles and guidelines



Everyone has the right to be treated fairly by the police, courts and law.



Governments must give people with disabilities support that is right for them to get justice. This includes sometimes making changes to give them the same chance to do things as other people.



These Principles and Guidelines will help governments and other organizations use the disability convention to make courts and police more accessible and inclusive of people with disabilities.



The Disability Convention says it is wrong to take away independence and freedom from people with disabilities. It says countries that sign the convention should:



- recognize that people with disabilities have the same right to legal capacity as everyone else



- act to make sure people with disabilities can get the support they need to make decisions



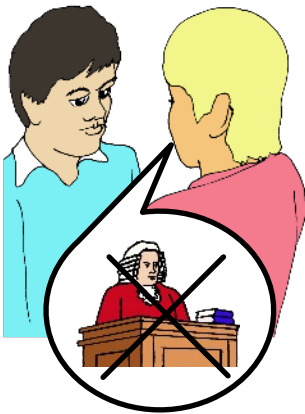
- have laws that say anyone who supports another person to make a decision must think about their rights and find out what is important to them



- make sure they make changes so people with disabilities can be involved in all parts of the work of police and courts including as **witnesses**.



The Principles and Guidelines will help governments, police and courts to get rid of anything that stops people with disabilities getting justice.

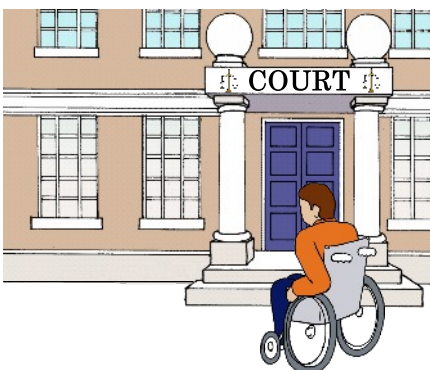


For example, many people with disabilities find that:

- people try to stop them from going to court



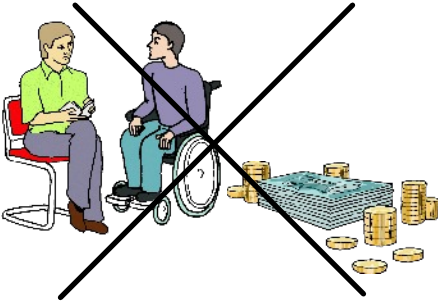
- the police and courts do not treat them fairly, listen to them or believe what they say



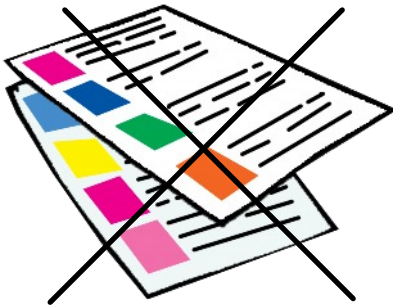
- courts and police stations are hard to get into or move around in



- it is difficult or expensive to get to the court



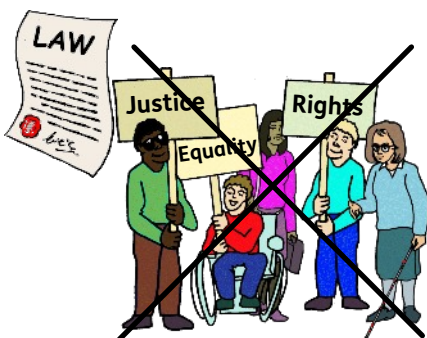
- they cannot get money or advice to help them go to court



- there is no easy information about legal rights and going to court



- other people can go to court and make decisions for them



- the law does not support their rights. This includes the right to be treated as innocent unless a court says they are guilty. And the right to say nothing if they are accused of a crime.



Many countries think it is more important to keep to rules than to help people use the police and courts.



This discriminates against people who cannot understand or use the systems. People with disabilities might not get justice or could be accused of a crime they have not done.



These Principles and Guidelines will help countries make changes so people with disabilities can understand and take part in all parts of their justice system.



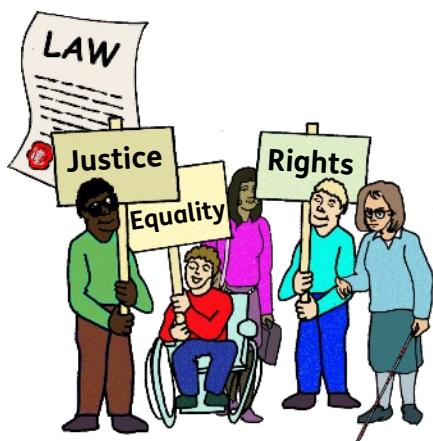
5. Principles and Guidelines



Principles are basic rules that affect how people think and behave.



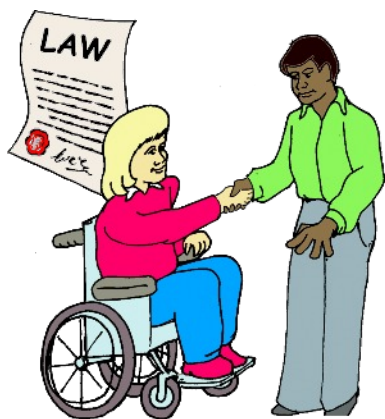
Guidelines help countries make these rules work.



Principle 1

Each person with a disability has the same rights under the law as everyone else. Their disability should never be used as a reason to take away their right to use the police, courts or law.

Guidelines



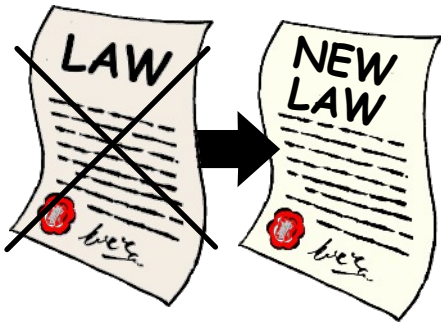
This means countries should make sure that the law treats people with disabilities fairly and that they can use it to get their rights respected. This includes any support they need to use the police, courts and the law.



To make this happen, countries should:

- recognize that people with disabilities have the same rights under the law as everyone else. And support them to use this right if they need it
- support the right of people with disabilities to be involved in all types of courts and meetings
- make sure people with mental health conditions or learning disabilities do not lose this right because other people think they cannot understand or make decisions for themselves





- change or get rid of laws, rules or guidelines that say people with disabilities must understand things before the police or courts will listen to them or believe what they say. This includes laws that say someone else can decide or speak for them or decide if they are able to be involved



- have laws that say the police and courts must make changes and support people with disabilities to use the law



- give people with disabilities a **facilitator** to support them to understand what is happening with the police and courts if they need it



- give people support and legal help to **appeal** to get their right to legal capacity if a doctor or court says they cannot make decisions for themselves



- make sure people with disabilities have the same right as other people to use other ways, apart from going to court, to get justice



- change or get rid of all laws, rules or guidelines that mean people with disabilities can be held in a prison or hospital based on the idea that they are dangerous or need care.



Principle 2

The police and courts should make sure they support and make the changes needed for people with disabilities to be able to use their services.



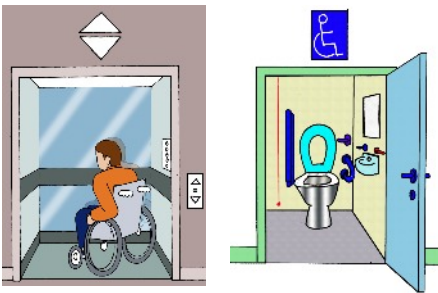
Guidelines

This means countries should make sure people with disabilities are treated equally and fairly when using police or court services.



This includes having buildings that everyone can get into and use.

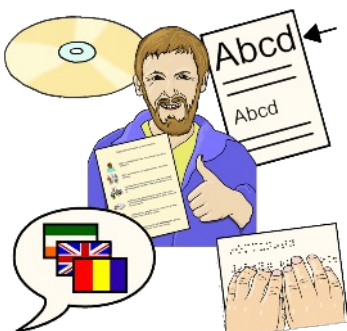
To make this happen, countries should:



- use their laws to make sure all buildings in the justice system are accessible. Including lifts, toilets, restaurants and offices in those buildings



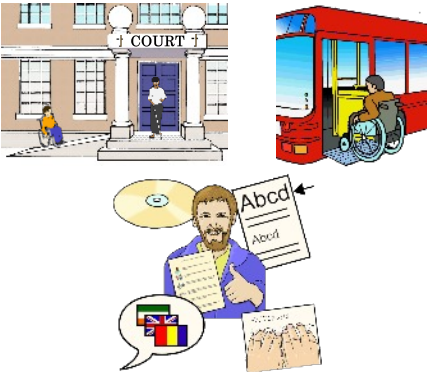
- have enough money to change buildings so people with disabilities can use them



- make sure all communication and information is accessible to people with different kinds of disabilities



- have accessible transport to and between these buildings



- make changes to the way things are done so people with disabilities can use buildings and transport, get information or communicate in the way that works for them.



Principle 3

Adults and children with disabilities have the right to have changes that help them use the police and courts.

Guidelines

This means the courts should change the way they do things to stop discrimination against adults and children with disabilities. This includes support with communication, understanding what is happening and being able to take part. If possible these changes should happen before the person goes to court.





To make this happen, countries should:

- make sure adults and children with disabilities know they can ask to do things differently and staff understand when and how to make changes



- use the disability convention to plan for facilitators to support adults and children with disabilities to communicate and understand what is happening with the police and courts



- work on making people feel more comfortable by changing things like:

- where the court meets



- what judges wear



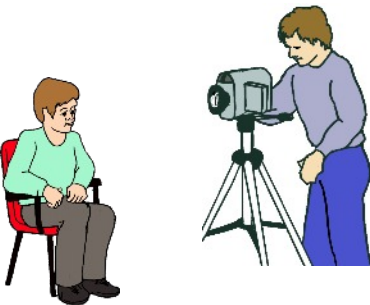
- doing things more slowly



- having screens for people who need to use them



- asking questions in different ways



- speaking by video instead of being in the court in person.



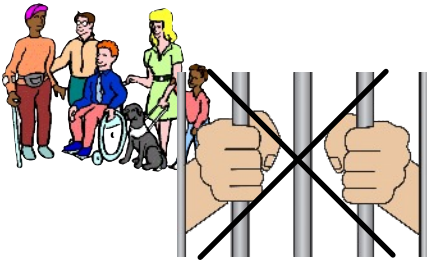
- make sure that there are ways to help people communicate and remember what other people said



- make sure the police and everyone else involved in looking into crimes understands the rights of people with disabilities and ways to support them

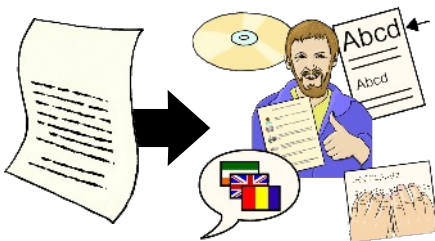


- make sure people with disabilities have independent support to help them understand and communicate if they are arrested, taken to the police station or talk to court staff

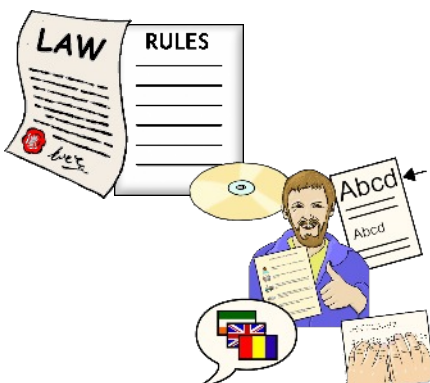


- get rid of anything that stops people with disabilities appealing if they are held in prison or kept waiting in a way that takes away their rights.

Principle 4

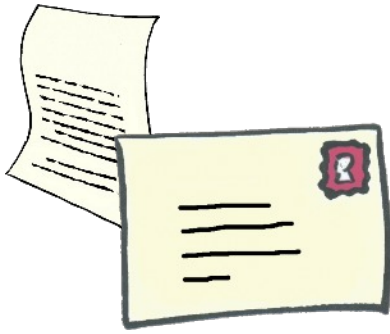


People with disabilities have the right to get legal letters and information in good time and in a way they can understand.



Guidelines

This means using laws and rules and that say everyone has the right to get information they understand when they need it.



To make this happen, countries should:

- make sure people can understand when a letter needs them to reply or do something



- make sure people have clear information in everyday language about what will happen and what to expect



- make sure people can have support to go through information



- make sure people can get this information in lots of different ways:



— sign language

— video

— telephone help lines

— accessible websites





- induction loop or other systems for people who wear hearing aids
- captions or words under pictures or videos
- braille
- EasyRead and plain language
- communication support.

Principle 5



People with disabilities have the same right as everyone else to know their legal rights and be treated fairly by the police, courts and the law. This includes having the right support or changes to help them be involved.



Guidelines

This means making sure the law, police and courts treat people with disabilities the same as other people.

To make this happen, countries should:



- make sure people with disabilities who are arrested or accused of a crime are treated as innocent unless a court says they are guilty



- make sure people with disabilities who are arrested or accused of a crime have clear information about their rights. Including their right to say nothing



- make sure the police or other people who first talk to the person about a crime do not treat them differently because of their disability. They should find out what support they need, listen to them and take what they say seriously



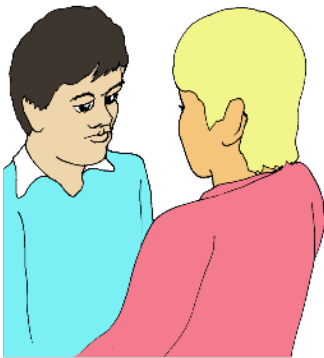
- make any changes to the way they arrest the person to help them understand what is happening and keep everyone safe and calm



- have laws to stop other people controlling or taking advantage of people with disabilities who are involved with the police or courts



- make sure people have changes or support to help them choose how to defend and speak up for themselves in court



- make sure people with disabilities can ask for any support they need for their mental and physical health. This should not depend on what the police or courts decide or agree with them.

Principle 6



People with disabilities have the right to be supported to get legal help. This is called **legal aid**.

Guidelines



This means children with disabilities should always have free legal help or help they can afford. Adults with disabilities should have this help to fight anything that takes away their human rights or freedoms. They should get help when they need it to make sure they can be involved from the start.



To make this happen, countries should:

- have laws, rules and guidelines to say people with disabilities have the right to legal aid to help them go to court or be involved in other legal action

- pay for legal help for people with disabilities:



- who cannot pay for a lawyer and risk being held in prison or hospital against their will
- at risk of losing their home or belongings
- who cannot communicate or understand what is happening

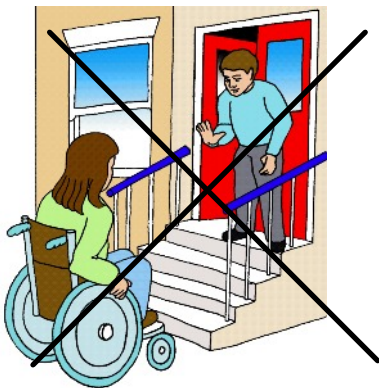




- also make sure people with disabilities have the same rights as everyone else to get legal aid



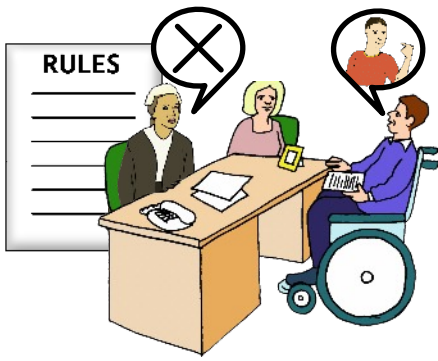
- get rid of any laws, rules or guidelines that stop people with disabilities making their own decisions about finding a lawyer and what to say in court



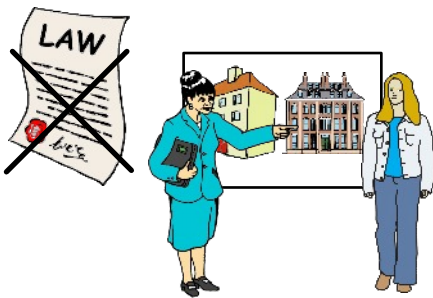
- get rid of things that stop people with disabilities getting legal help or support from victim services



- make any changes that victims or witnesses with disabilities need to speak to their lawyers. This includes interpreters, technology, facilitators or interpreters



- change any rules that mean a lawyer does not have to listen to and act on what a person with a disability says



- get rid of any laws, rules and guidelines that allow someone else to make decisions for a person with a disability



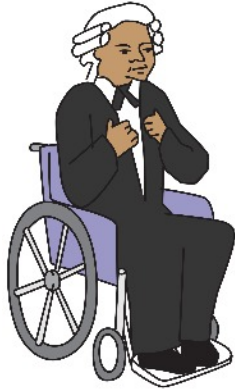
- give legal aid and help to report a crime to anyone with a disability who is the victim of violence. Especially to women and girls with disabilities.



Principle 7

People with disabilities have the right to take part in the work of the police and courts.

Guidelines



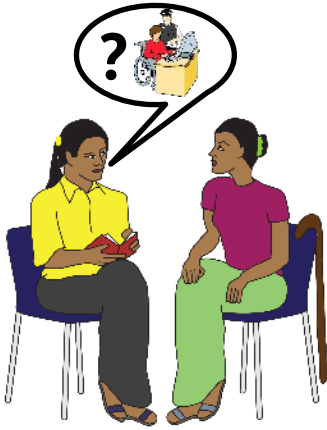
For example, people with disabilities have the same right as everyone else to be judges, lawyers, witnesses or members of a jury.



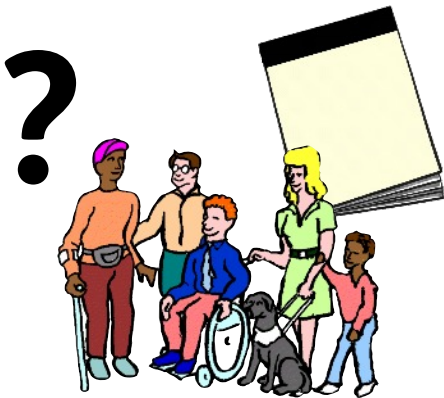
To make this happen, governments, the courts and legal organizations should:

- get rid of any laws or rules that stop people with disabilities taking part in the work of the courts or make them think they cannot do this
- make changes to help people with disabilities study law, take exams, get jobs and get into and use court buildings. This includes not asking questions about health and disability when people apply for jobs
- give jurors with a disability any support they need to be involved





- find out from people with disabilities and their organizations how to support and include them in the work of the police and courts



- collect information about how many people with different disabilities are involved in the work of the police and courts. Use this information to plan what needs to change to treat everyone equally.

Principle 8



People with disabilities have the right to complain or go to court about crimes or human rights. The police and courts should look into things properly and punish anyone who harms them or takes away their rights.

Guidelines



This means it should be easy for people with disabilities to know how to complain or go to court if they do not get their rights. It means the police and courts will look into what happened and punish people who hurt people with disabilities or take away their rights.



To make this happen, countries should:

- set up organizations to listen to complaints from people with disabilities and the power to take action to put things right. This includes complaints about discrimination



- make sure people with disabilities have the same right to make a complaint as everyone else



- have easy ways for people with disabilities to complain about people who treat them badly or who break the law. This should include telephone hot lines and ways to complain online



- have other ways for people to sort out disagreements or complaints without going to court



- make sure people feel safe and comfortable to complain about violence that happens because of their gender



- make sure people with disabilities can get support from special units that deal with things hate crime, children or gender violence



- make sure people's private information is safe when they complain and they can choose not to say who they are



- have ways to find out about and act if lots of people with disabilities are treated badly or their human rights are ignored



- when police or organizations look into complaints they must understand the rights of people with disabilities and know how to make changes to involve them. This includes support to understand what is happening and thinking about if they need to keep victims safe from other crimes



- courts should punish anyone they find guilty of harming a person with disabilities and try to make sure this stops the crime happening again. They should also think about whether crimes against human rights are happening in the same way to other people with disabilities.

Principle 9



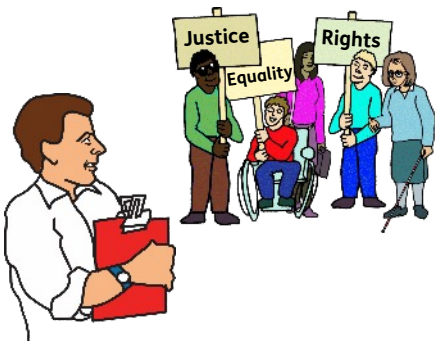
Countries should have good ways to check whether people with disabilities are treated fairly by the police, courts and law.

Guidelines

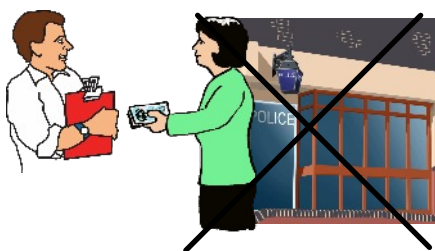


This means an independent organization should check what is happening. Countries can use organizations that already do this or set up new ones.

To make this happen, countries should:



- follow the disability convention and have organizations to check whether people with disabilities get their human rights



- make sure these organizations are completely independent and do not get money or other help from the police or courts



- support these organizations to share information and ideas so they can work together on things that affect many people



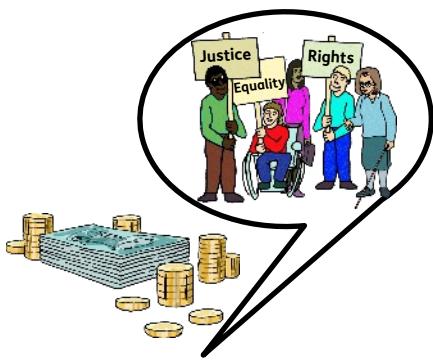
- make sure people with disabilities are involved in planning and deciding what these organizations do



- ask these organizations to check whether people with disabilities lose their rights. Especially if they are kept in hospitals or other places where they do not choose to be



- ask these organizations to collect information and write reports about human rights laws being broken and people with disabilities not being treated fairly by the law



- ask and fund these organizations to tell other people about human rights for people with a disability and support training for this.



Principle 10

The police, judges, lawyers and anyone else working for the law should be trained about the rights of people with disabilities.



Guidelines

This means training for the police, judges, lawyers, health staff, services that support victims, social workers and people who work in prison, probation or youth services.

To make this happen, the government and all justice and legal organizations should:



- have laws, rules and guidelines to make sure everyone involved in the justice system is trained about human rights and people with disabilities and understands how to make changes to involve them



- give regular training to staff in justice services. Including training by human rights organizations and organizations of people with disabilities



- involve people with disabilities and their organizations in planning and running training



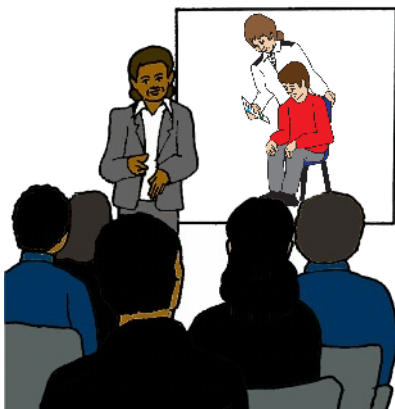
- involve organizations of people with disabilities in checking how well training works



- make sure people who plan and make decisions about the courts, police and law understand the human rights of people with disabilities how to get rid of discrimination



- have training books for people in the police and courts to help them support people with disabilities properly



- train the police, court staff and other people working directly with people with disabilities how to support them to be involved and make any changes they need



- train lawyers and law students on the rights of people with disabilities and how to make any changes they need



- train people with disabilities and their families about their rights to support from the police and courts to put things right or punish someone for a crime against them



- training must tell people about
 - the Disability Convention



- how to get rid of things that stop people getting support from the police and courts



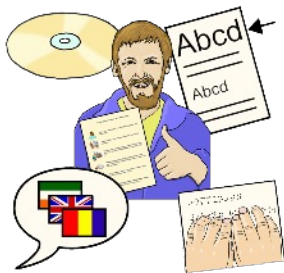
- legal capacity



- different ways to communicate



- how to calm things down and keep people safe



- making changes so people with disabilities can be involved
- getting rid of discrimination because of a person's disability
- the right to have sexual relationships, to have children and a family
- that discrimination for people with disabilities can be for more than one thing. For example, if they are a woman and have a disability
- the rights of people with disabilities to have the same information as other people, in ways they can understand.



6. What the words mean

Accessible – easy to use or be involved with.

Appeal – ask a court to look at its decision again.

Committee on the Rights of Persons with Disabilities – a group of experts who check people are getting their human rights in countries signed up to the Convention.

Disability Convention – a set of rules that have to follow to give people with disabilities the same human rights as everyone else.

Discrimination – treating someone worse than other people because of who they are or where they come from.

Facilitator – a person who makes something easier to do or understand.

High Commissioner for Human Rights – the High Commissioner is the person in charge of the Human Rights Office at the United Nations. They work to make sure people have their human rights.

Human Rights – basic rights and freedoms that should happen for every person in the world.

International Commission of Jurists – a group of judges and lawyers from all over the world who are experts in the law and human rights.

International Disability Alliance – a group of 14 organisations of persons with disabilities from all over the world working with the United Nations on including people with disabilities.

Jury – a group of ordinary people, not trained in the law, who sit in a court and decide if the person accused of the crime is guilty or not guilty.

Justice – the rules and laws that mean people behave in a way that is fair and equal for everyone.

Justice system – the way a country helps people get justice.

Legal aid – money and advice to help you go to court if you cannot afford to pay for this yourself.

Legal capacity – anyone over 18 years old can make legal decisions as everyone else. And to have support if they need it to use this right.

Principles and guidelines – principles are basic rules that affect what you think and how you behave. Guidelines give advice about how to make these rules work.

Rights – things that should happen for every person.

Special Envoy of the Secretary-General on Disability and Accessibility – someone working for the person in charge of the United Nations checking on the rights of people with disabilities and accessibility.

Special Rapporteur – a person working for the United Nations who helps countries understand what they need to do to make sure people get their rights.

United Nations – a group of 193 different countries that work together to try to make the world a better and safer place for everyone.

United Nations Development Programme - part of the United Nations supporting poorer countries and protecting the planet.

Victim – the person who is harmed or injured by an accident or crime.

Witness - Someone who sees a crime happen.



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