****

**GLOSSARY ON THE RIGHTS OF PERSONS WITH DISABILITIES**



**Coordinator:**



**Partners:**

   

# A

ACCESIBILITY: The principle of accessibility aims to ensure access to the exercise of human rights for persons with disabilities on an equal basis with others. It includes access to the physical environment (physical accessibility), as well as access to information and communications, including information and communication technologies (cognitive accessibility). Accesibility should be understood as a broad concept, including access to transport and to other facilities and services open or provided to the public, both in urban and rural areas and, finally, to the exercise of rights. Accesibility has been recognised as a principle in article 3 of the Convention on the Rights of Persons with Disabilities (CPRD) and as a human right in article 9[[1]](#footnote-1).

ACCESIBLE: The quality of being easily understood, reached, entered and/or used by persons with disability. In the case of a facility, readily usable by a particular individual; in the case of a program or activity, presented or provided in such a way that a particular individual can participate, with or without support/s, assistance or accommodations[[2]](#footnote-2).

ACCESS BARRIERS: Any obstruction that prevents people with disabilities from using standard facilities, equipment and resources[[3]](#footnote-3) or from exercising and enjoying their rights on an equal basis with others.

ACCESS TO INFORMATION: The right to freedom of expression and opinion, and access to information, has been recognised by article 21 of the Convention on the Rights of Persons with Disabilities and includes “the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice”. According to the CRPD, the guarantee of this right includes:

“a) Providing information intended for the general public to persons with disabilities in accesible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.

b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions”[[4]](#footnote-4).

### ACCESS TO JUSTICE: “Access to justice” is a broad concept, encompassing people’s effective access to the systems, procedures, information, and locations used in the administration of justice[[5]](#footnote-5). The right of access to justice for persons with disabilities is recognised by Article 13 of the CRPD as follows:

“1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct andindirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff”[[6]](#footnote-6).

### ADVERSARIAL HEARING (RIGHT TO AN): “The right to an adversarial hearing means in principle the opportunity for the parties to have knowledge of and comment on all evidence adduced or observations filed with a view to influencing the court’s decision. The right to an adversarial trial is closely related to equality of arms”[[7]](#footnote-7).

ASSISTIVE TECHNOLOGY: “Hardware or software added to or connected to a system that increases accessibility for an individual. […] Examples include Braille displays, screen readers, screen maginification software and eye tracking devices that are added to the ICT […] Where ICT does not support directly connected assistive technology, but which can be operated by a system connected over a network or other remote connection, such a separate system (with any included assistive technology) can also be considered assistive technology”[[8]](#footnote-8).

AUDIODESCRIPTION: involves the accessibility of the visual images of theater, television, movies, and other art forms for people with visual disabilities. It is a spoken narrative that describes visual action in the gaps between the existing dialogue and sound effects[[9]](#footnote-9).

AUGMENTATIVE AND ALTERNATIVE COMMUNICATION: includes communication methods used to supplement (augmentative communication) or replace (alternative communication) speech or writing for persons with disabilities that entail communication difficulties[[10]](#footnote-10).

# B

BARRIERS: According to the World Health Organisation (WHO), barriers are “factors in a person’s environment that, through their absence or presence, limit functioning and create disability. These include aspects such as: a physical environment that is not accessible, lack of relevant assistive technology (assistive, adaptive, and rehabilitative devices); negative attitudes of people towards disability; services, systems and policies that are either non-existent or that hinder the involvement of all people with a health condition in all areas of life”[[11]](#footnote-11). More than one barrier can occur at a time, making it extremely difficult for some people with disabilities to function. The most common kind of barriers are:

* **Attitudinal barriers**: inaccurate beliefs or perceptions about persons with disabilities based on assumptions and a lack of direct knowledge. This type of barrier impacts accessibility on all levels since most of the other barriers are rooted in attitudes as well. These can be the hardest to address although they are the ones that we have the most control over.
* **Cognitive barriers**: are those that limit the understanding of a message or situation.
* **Communication barriers**: exist when an individual is unable to access information in a format they can use. Alternate forms of communication include such things as audiocassette, Braille, large print, closed captioned video and computer diskette.
* **Physical barriers:** exist in a structural environment that interferes with or impedes a person with a physical disability from accessing a particular location or service.
* **Policy barriers**: are frequently related to a lack of awareness or enforcement of existing laws and regulations that require programs and activities to be accessible to people with disabilities.
* **Programmatic barriers:** these barriers limit the effective delivery of a public program (i.e. public healthcare) for people with disabilities. Examples of programmatic barriers include: inconvenient scheduling; lack of accessible equipment; insufficient time set aside for a medical procedure; little or no communication with participants; provider’s attitudes; knowledge and understanding of people with disabilities.

**Systemic barriers**: occur when practices or policies that discriminate against some individuals by screening them out from participation are put in practice.

BEST INTERESTS OF THE CHILD: According to the Committee on the Rights of the Child, “the concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child” [[12]](#footnote-12). As said in article 3 of the UN Convention on the Rights of the Child, “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. Assessing the best interests of a child means to evaluate and balance “all the elements necessary to make a decision in a specific situation for a specific individual child or group of children”[[13]](#footnote-13). This assessment must include respect for the child’s right to express his or her views freely and due weight given to said views in all matters affecting the child. However, the Committee points out that “an adult’s judgment of a child’s best interests cannot override the obligation to respect all the child’s rights under the Convention”.

More specifically, the Committee defines it as a threefold concept:

* **A substantive right:** “The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general”[[14]](#footnote-14).
* **A fundamental interpretative legal principle**: “If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation”[[15]](#footnote-15).
* **A rule of procedure:** “Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child require procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child’s best interests; what criteria it is based on; and how the child’s interests have been weighed against other considerations, be they broad issues of policy or individual cases”[[16]](#footnote-16).

### BLIND: Refers to a person who has a serious visual impairment.

BRAILLE: “System of embossed characters formed by using a Braille cell, a combination of six dots consisting of two vertical columns of three dots each. Each simple Braille character is formed by one or more of these dots and occupies a full cell or space. Some Braille may use eight dots”[[17]](#footnote-17). According to the CRPD, persons with visual disabilities have the right to learn and use the Braille system in order to exercise their rights on an equal basis with others.

# C

CHARGE: “the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence”**[[18]](#footnote-18)**.

CLASS ACTION: A ‘class action’ lawsuit is one in which a group of people with the same or similar injuries caused by the same product or action sue the defendant as a group […] Often many of the individuals’ injuries were relatively minor, such that they might not pursue legal redress on their own[[19]](#footnote-19).

CLOSED CAPTION: the text displayed as a supplement for dialogue and other relevant parts of the audio of a film, tv show or computer presentation. It is aimed at people with auditive disabilities who need both a transcription of dialogues (subtitles) and a description of non-verbal sounds[[20]](#footnote-20).

COMMUNICATION:“includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology”[[21]](#footnote-21).

### COMMUNICATION SUPPORT: support arrangements aimed at removing communication barriers for persons with disabilities that involve difficulties to express or understand information (e.g: a sign language interpreter, assistive technologies).

COURT (RIGHT TO): According to Article 6 of the European Convention of Human Rights, “in the determination of his civil rights and obligations or of any criminal charge against him”, everyone is entitled to being heard by a tribunal. The right to court is part of the right to a fair trial.

# D

DEAF: “Uppercase “Deaf” refers to a group of people who share a language (for example, English Sign Language) and a culture. Lowercase “deaf” is used to refer to the audiological condition of not hearing”[[22]](#footnote-22).

DEAFBLIND: Describes an individual with visual and hearing impairments.

### DECLARATION: a statement made by a party to a legal transaction usually not under oath.

DISABILITY: the situation in which an individual’s full and effective participation in society on an equal basis with others is hindered due to the interaction between their “long-term physical, mental, intellectual or sensory impairments” and social barriers (whether attitudinal, physical, programmatic…)[[23]](#footnote-23). According to the kind of impairments and barriers that cause them, disabilities can be classified, at least, in the following categories:

* **Physical disabilities:** derive from the interaction between physiological, functional and/or mobility impairments (which can be fluctuating or intermittent, chronic, progressive or stable, visible or invisible, and that may or may not involve physical pain) and the physicalenvironment
* **Sensory disabilities:** disabilities of the senses, including visual and auditive disabilities, which can be progressive or stable; treatable or permanent, in interaction with physical and communication barriers.
* **Intellectual disabilities:** From the social model, intellectual disabilities are a result of the way people learn, understand and communicate when interacting with the way in which learning, understanding and communication are organized in society.   
  It “implies a series of limitations in the abilities that the person learns to function in his daily life and that allow him to respond to different situations and places. Intellectual disability is expressed in the relationship with the environment. Therefore, it depends as much on the person as on the barriers or obstacles that surrounds them. If we achieve an easier and more accessible environment, people with intellectual disabilities will have fewer difficulties, and because of this, their disability will seem less. People with intellectual disabilities have a harder time learning, understanding and communicating than others".[[24]](#footnote-24)
* **Psychosocial disabilities:** used to describe the experience of people with impairments and participation restrictions related to mental health conditions. Psychosocial disability relates to the ‘social consequences of disability’ - the effects on someone’s ability to participate fully in life as a result of mental health issues. Those affected are prevented from engaging in opportunities such as education, training, employment, political participation, cultural activities, and face violations such as forced treatment and deprivation of libertyFrom the social model, persons with psychosocial disabilities are persons whose way of interacting is not socially accepted.
* **Mental disabilities:** often used to cover both intellectual and psychosocial disabilities as well as other cognitive impairments or differences in function.
* **Multiple disabilities:** is a broad umbrella term meaning, simply, that the person lives with more than one disability (whether physical, sensory, intellectual or psychosocial).

DISCRIMINATION ON THE BASIS OF DISABILITY: “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. It includes all forms of discrimination -including denial of reasonable accommodation-, and can be against persons who have a disability at present, who have had a disability in the past, who have a disposition to a disability that lies in the future or who are presumed to have a disability. According to the Committee, Article 5 of the Convention on the Rights of Persons with Disabilities, which recognises the right to equality and non-discrimination, is therefore interpreted widely in order to eradicate and combat all discriminatory situations and/or conducts that are linked to disability, as defined by article 2 of the CRPD. Some of these include:

* **Discrimination by association:** according to the Committee on Rights of Persons with Disabilities, it is a discrimination against people who are associated with a person with disabilities (i.e. a family member).
* **Direct discrimination:** occurs when persons with disabilities are treated less favourably than other persons because of a different personal status in a similar situation for a reason related to a prohibited ground. Direct discrimination includes detrimental acts or omissions based on prohibited grounds where there is no comparable similar situation. The motive or intention of the discriminating party is not relevant to a determination of whether discrimination has occurred. For example, a State school that refuses to admit a child with disabilities in order not to change the scholastic programmes does so just because of his or her disability and is an example of direct discrimination.
* **Indirect discrimination**: means that laws, policies or practices appear neutral at face value but have a disproportionate negative impact on a person with a disability. It occurs when an opportunity that appears accessible in reality excludes certain persons owing to the fact that their status does not allow them to benefit from the opportunity itself. For example, if a school does not provide books in Easy-Read format, it would indirectly discriminate against persons with intellectual disabilities, who, although technically allowed to attend the school, would in fact need to attend another. Similarly, if a candidate with restricted mobility had a job interview on a second-floor office in a building without an elevator, although allowed to sit the interview, the situation puts him/her in an unequal position.
* **Denial of reasonable accommodation:** according Article 2 of the Convention, the denial of reasonable accommodation constitutes discrimination if the necessary and appropriate modification and adjustments (that do not impose a “disproportionate or undue burden”) are denied and are needed to ensure the equal enjoyment or exercise of a human right or fundamental freedom. Not accepting an accompanying person or refusing to otherwise accommodate a person with a disability are examples of denial of reasonable accommodation.
* **Harassment:** is a form of discrimination when unwanted conduct related to disability or other prohibited grounds takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. It can happen through actions or words -as well as omissions or attitudes- that have the effect of perpetuating the difference and oppression of persons with disabilities. Particular attention should be paid to persons with disabilities living in segregated places, such as residential institutions, special schools or psychiatric hospitals, where this type of discrimination is more likely to occur and is by nature invisible, and so not likely to be punished. “Bullying” and its online form, cyberbullying and cyberhate, also constitute particularly violent and harmful forms of hate crimes. Other examples include (disability-based) violence in all its appearances, such as rape, abuse and exploitation, hate-crime and beatings.
* **Intersectional and multiple discrimination:** Discrimination can be based on a single characteristic, such as disability or gender, or on multiple and/or intersecting characteristics. According to the Committee multiple discrimination is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated. Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable and thereby expose relevant individuals to unique types of disadvantage and discrimination. “Intersectional discrimination” occurs when a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status. Intersectional discrimination can appear as direct or indirect discrimination, denial of reasonable accommodation or harassment. For example, while the denial of access to general health-related information due to inaccessible format affects all persons on the basis of disability, the denial to a blind woman of access to family planning services restricts her rights based on the intersection of her gender and disability. In many cases, it is difficult to separate these grounds. States parties must address multiple and intersectional discrimination against persons with disabilities[[25]](#footnote-25).

DIVERSITY: Recognising and valuing differences between individuals and groups of people -an important concept in terms of the inclusion of people with d-isabilities[[26]](#footnote-26).

# E

EASY-READ: is a way of making written information more accesible for people with intellectual and learning disabilities.

EMPOWERMENT: In general terms it is the process of becoming stronger and more confident, especially in controlling one's life and claiming one's rights[[27]](#footnote-27). The UN CRPD provides a framework to empower people with disabilities, so that they can take their own decisions, enjoy and claims their rights and participate fully in society For example, the right to enjoy legal capacity on an equal basis with others or the right to live independently and be supported in the community are crucial to the empowerment of people with disabilities[[28]](#footnote-28).

EQUALITY AND NON-DISCRIMINATION: Equality and non-discrimination are principles and rights. The Convention refers to them in article 3 as principles and in article 5 as rights. They are also an interpretative tool for all the other principles and rights enshrined in the Convention. The principles/rights of equality and non-discrimination are a cornerstone of the international protection guaranteed by the Convention. Promoting equality and tackling discrimination are cross-cutting obligations of immediate realization (therefore, they are not subject to progressive realization)[[29]](#footnote-29).

According to Article 5 of the CRPD, it means that State parties have positive obligations to protect persons with disabilities from discrimination, with an obligation to enact specific and comprehensive anti-discrimination legislation. The explicit legal prohibition of disability-based and other discrimination against persons with disabilities in legislation should be accompanied by the provision of appropriate and effective legal remedies and sanctions -as well as reasonable accommodation- in relation to intersectional discrimination in civil, administrative and criminal proceedings. Where the discrimination is of a systemic nature, the mere granting of compensation to an individual may not have any real effect in terms of changing the approach. In those cases, States parties should also implement “forwardlooking, non-pecuniary remedies” in their legislation, meaning that further effective protection against discrimination carried out by private parties and organizations is provided by the State party[[30]](#footnote-30).

### EQUALITY OF OPPORTUNITIES: The principle of equality of opportunities demands that the various systems of society and the environment, such as services, activities, information and documentation, are made available to all, particularly to persons with disabilities[[31]](#footnote-31). More generally, it can be understood as the absence of all forms of discrimination (whether direct or indirect) on the basis of disability, as well as the adoption of positive measures[[32]](#footnote-32).

### EQUALITY OF ARMS: “Equality of arms is an inherent feature of a fair trial. It requires that each party be given a reasonable opportunity to present his case under conditions that do not place him at a disadvantage vis-à-vis his opponent […] Equality of arms requires that a fair balance be struck between the parties, and applies to criminal and civil cases”[[33]](#footnote-33).

### EVIDENCE: Information drawn from personal testimony, a document, or a material object, used to establish facts in a legal investigation or admissible as testimony in a law court[[34]](#footnote-34).

EXCLUSION: The process in which individuals or entire communities of people are systematically blocked from (or denied full access to) various rights, opportunities and resources that are normally available to members of a different group, and which are fundamental to social integration within that particular group (i.e., education, housing, employment, healthcare, civic engagement, democratic participation, and due process). The outcome of such exclusion is that affected individuals or communities are prevented from participating fully in the economic, social, and political life of the society in which they live and exercise their rights on equal basis with others[[35]](#footnote-35).

# F

### 

### FAIR TRIAL (RIGHT TO A): The right to a fair trial is recognized by Article 10 of the Universal Declaration of Human Rights in the following terms: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”[[36]](#footnote-36).

More specifically, the European Convention on Human Rights recognizes the right to a fair trial as follows:

“1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court”[[37]](#footnote-37).

# G

GENDER: refers to the characteristics that a society or culture views as masculine or feminine, whereas “sex” refers to biological differences[[38]](#footnote-38).

### GENDER EQUALITY: “refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female.

### Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women’s issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development”[[39]](#footnote-39).

# I

IMPARTIAL TRIBUNAL (RIGHT TO AN): “Impartiality normally denotes the absence of prejudice or bias”[[40]](#footnote-40). The right to an impartial tribunal is part of the right to a fair trial. According to the Human Rights Committee “The requirement of impartiality has two aspects. First, judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detrimento of the other Second, the tribunal must also appear to a reasonable observer to be impartial. For instance, a trial substantially affected by the participation of a judge who, under domestic statutes, should have been disqualified cannot normally be considered to be impartial”[[41]](#footnote-41).

INCLUSION: inclusion postulates that social conditions must be designed as flexibly as possible, in order to allow participation on an equal basis for every individual, including persons with disability. Inclusion in society as fully participating members of social networks is also fundamentally rooted in labour market, education or economic inclusion. The key is participation and not segregation. Full and effective participation and inclusion in society is recognized as a general principle in article 3 of the CRPD.

As an example, referring to the right to inclusive education, the Committee considers that “*inclusion* involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences”[[42]](#footnote-42).

INDEPENDENT LIVING: Independent living/living independently means that individuals with disabilities have to be provided with all necessary means to enable them to exercise choice and control over every decision concerning their lives[[43]](#footnote-43). It means that persons with disabilities have the right to choose their place of residence and the right to live in their community. This includes not forcing them to live in a particular living arrangement, as well as the obligation to provide them with access to a range of in-home, residential and other community support services, including personal assistance. This right is recognised by Article 19 of the Convention on the Rights of Persons with Disabilities.

INDEPENDENT TRIBUNAL (RIGHT TO AN): Reflects the notion of the “separation of powers between the political organs of government and the judiciary”, requiring tribunals to be independent from the other branches of power[[44]](#footnote-44). The right to an independent tribunal is part of the right to a fair trial. According to the Human Rights Committee “the requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges, and guarantees relating to their security of tenure until a mandatory retirement age or the expiry of their term of office, where such exist, the conditions governing promotion, transfer, suspension and cessation of their functions, and the actual independence of the judiciary from political interference by the executive branch and legislature. States should take specific measures guaranteeing the independence of the judiciary, protecting judges from any form of political influence in their decision-making through the constitution or adoption of laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them. A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal. It is necessary to protect judges against conflicts of interest and intimidation. In order to safeguard their independence, the status of judges, including their term of office, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law” [[45]](#footnote-45).

### INDIVIDUAL ACTION: refers to a lawsuit brought by an individual, on behalf of them-self only.

INFORMED OF THE ACCUSATION (RIGHT TO BE): Refers to the right to be provided of “full, detailed information concerning the charges”, and it is an essential prerequisite to ensure the fairness of the proceedings. The right to be informed of the accusation is part of the right to a fair trial**[[46]](#footnote-46)**.The information must be provided promptly and in detail in a language which the person understands**.** [[47]](#footnote-47)

INSTITUTIONALIZATION:The process through which persons labelled as having a disability are isolated, segregated and/or compelled to live together. Persons under institucionalization usually do not have or are not allowed to exercise control over their lives and their day to day decisions. An institution is not defined merely by its size and the requirements of the organization itself tend to take precedence over the users’ individual needs.

### INTEGRATION: Integration refers to the inclusion of an individual into an existing larger unit, while the individual needs to adjust to fit into the existing system. For example, in terms of education, the Committee has said that “*integration* is a process of placing persons with disabilities in existing mainstream educational institutions, as long as the former can adjust to the standardized requirements of such institutions”[[48]](#footnote-48). From a human rights approach, integration is not enough to guarantee the full and effective participation of persons with disabilities. Instead, inclusion (which requires structural changes to be made in order to ensure access to rights in equal conditions to others) is demanded.

INTERMEDIARIES/FACILITATORS: in access to justice, they are specialists who assist victims, witnesses, suspects and defendants with significant communication difficulties to understand questions and to communicate answers effectively when communicating with police, legal or justice profesionals, specially during police interview and when giving evidence at trial [[49]](#footnote-49). The functions of these specialists could be, among others[[50]](#footnote-50): explaining how a person communicates; clarifying a person’s level of understanding; or assisting the person to understand questions and to communicate their answers.

INTERPRETATION (RIGHT TO): Right to be provided with the assistance of an interpreter during judicial proceedings, in order to ensure participation. According to Article 6 of the ECHR, it is part of the right to a fair trial[[51]](#footnote-51). According to Art. 14 of the ICCPR the right to have the free assistance of an interpreter if the accused cannot understand or speak the language used in court enshrines another aspect of the principles of fairness and equality of arms in criminal proceedings. This right arises at all stages of the oral proceedings and it applies to aliens as well as to nationals[[52]](#footnote-52).

# L

LEGAL ASSISTANCE (RIGHT TO): The right to be defended by a lawyer during judicial proceedings. It is an essential part of the right to a fair trial[[53]](#footnote-53). Usually this includes the right to legal aid, understood as the right to be defended by a lawyer even when the accused lacks sufficient means to pay for it and/or “the interests of justice so require”[[54]](#footnote-54). Article 14 of the ICCPR explicitly addresses the guarantee of legal assistance in criminal proceedings. According to the Human Rights Committee “the availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way” [[55]](#footnote-55).

LEGAL CAPACITY: Article 12 of the Convention on the Rights of Persons with Disabilities recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all areas of life. Legal capacity includes the capacity to be both a holder of rights and an actor under the law. Legal capacity to be a holder of rights entitles the person to full protection of his or her rights by the legal system. Legal capacity to act under the law recognizes the person as an agent who can perform acts with legal effect. Legal capacity, as a right of every person, must not be confused with mental capacity: under article 12 of the Convention, perceived or actual deficits in mental capacity must not be used as justification for denying legal capacity.

The removal or limitation of legal capacity is considered a situation of discrimination on the basis of disability. That is why substituted decision-making must be replaced by supported decision-making[[56]](#footnote-56).

### LARGE PRINT: refers to the formatting of text using a larger than usual type, in order to make it accessible for people with visual disabilities.

LEGAL CERTAINTY:The principle of legal certainty “requires domestic authorities to respect the binding nature of a final judicial decision”[[57]](#footnote-57).

# P

PARTICIPATION:Full and effective participation and inclusion in society is recognized as a general principle in article 3 of the CRPD. This principle is a ground for the right to participate in political and public life for individuals and the right to constitute organizations representative of their interest (article 29). Organizations of persons with disability must be invited to take part in the processes aimed to decide on disability questions, in the development and implementation of legislation and policies to implement the CRPD (article 4) and in the monitoring process (article 33.3). Persons with disability have also the right to participate in cultural life, recreation, leisure and sport (article 30). Access to justice can be understood as a way to contribute and participate in the justice system (article 13). Finally, children with disabilities have “the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right” (article 7.3), in order to ensure that their best interest is a primary consideration in all actions concerning them (article 7.2)[[58]](#footnote-58).

PERSON CENTRED TECNOLOGY (PCT): Specialist and mainstream technologies that can be used to enhance people’s independence and safety, making them less dependent on carers. Based on a user centred, user empowering and user involving approach, people with disabilities should benefit from new technological developments[[59]](#footnote-59).

PERSONAL ASSISTANCE: Personal assistance refers to person-directed/“user”-led human support available to a person with disability and is a tool for exercise tehir rights on equal basis with others, such as the right to independent living[[60]](#footnote-60). Article 19 of the CRPD establishes that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

PERSONS WITH DISABILITIES:include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others[[61]](#footnote-61).

### PLAIN LANGUAGE: writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. It is used as a way of making information accessible for some persons with disabilities[[62]](#footnote-62).

### PRESUMPTION OF INNOCENCE: According to article 14, paragraph 2 of the ICCPR everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. The presumption of innocence, “which is fundamental to the protection of human rights, imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle.

It is a duty for all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused”[[63]](#footnote-63).

### According to the ECHR, “it requires, inter alia, that:

(1) when carrying out their duties, the members of a court should not start with the preconceived idea that the accused has committed the offence charged; (2) the burden of proof is on the prosecution, and (3) any doubt should benefit the accused. Therefore, it is an essential principle in order to ensure the fairness of a trial”[[64]](#footnote-64).

### PROCEDURAL ACCOMMODATION: Procedural accommodations are adjustments that affect to the standard design of the judicial proceedings in order to make them accessible for persons with disabilities. “States parties are obliged to provide procedural and age-appropriate accommodations to facilitate the role of persons with disabilities as direct and indirect participants in all legal proceedings, including the investigative and other preliminary stages. Hence, procedural accommodations serve as a means to effectively realize the right to a fair trial and the right to participate in the administration of justice, and are an intrinsic component of the right to access to justice. The Committee on the Rights of Persons with Disabilities has provided a number of examples of how procedural accommodations for persons with disabilities can look in practice, for example, through the provision of sign language interpretation, legal and judicial information in accessible formats for, multiple means of communication, easy read versions of documents, Braille and video link testimony, among others. Procedural accommodations should also encompass procedural flexibility to accommodate specific requirements for participation, for example allowing sign language interpreters to participate in confidential jury debates, extending or adjusting procedural deadlines and adjusting procedural formalities.

The obligation to provide procedural accommodations derives directly from civil and political rights. It is directly linked to the principle of non-discrimination and is not subject to progressive realization”[[65]](#footnote-65).

### PRINCIPLE OF PUBLICITY: A principle that contributes to the guarantee of the right to a fair trial. It includes both the publicity of the proceedings -through public hearings- and the public delivery of judgments, and its goal is “to protect litigants against the administration of justice in secret with no public scrutiny”[[66]](#footnote-66).

# R

REASONABLE ACCOMMODATION:“means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”[[67]](#footnote-67).

### REASONABLE TIME: According to Article 6 of the ECHR, one of the requisites of the right to a fair trial is the reasonableness of the length of proceedings. Its aim “is to ensure that accused persons do not have to lie under a charge for too long and that the charge is determined”[[68]](#footnote-68).

### REASONED DECISION: In order to demonstrate “to the parties that they have been heard” as well as their rights, and as a way of proving impartiality, courts are required to adequately state the reasons on which their decisions are based[[69]](#footnote-69).

# S

SEGREGATION: the action or state of setting some social groups apart from others. Frequently, persons with disabilities have been separated from the rest of the people in order to have access to their rights. This has been justified as a way to attend to their specificities (individual conditions). In terms of education, for example, “segregation occurs when the education of students with disabilities is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disabilities”[[70]](#footnote-70). According to the Committee, segregation is always discriminatory and therefore incompatible with a human rights approach.

SIGN LANGUAGE: it is a formal language, employing a system of hand and body gestures representing words, used especially by people with auditive disabilities.

SIGN LANGUAGE INTERPRETER: A sign language interpreter is a person trained in translating between spoken and sign language. This usually means someone who interprets what is being said and signs it for someone who can't hear but understands sign language.

SPECIFIC MEASURES: not to be regarded as discrimination, specific measures are positive or affirmative measures that aim to accelerate or achieve de facto equality of persons with disabilities[[71]](#footnote-71). That entails adopting or maintaining certain advantages in favour of an underrepresented or marginalized group. They are usually temporary in nature, although in some instances permanent specific measures are required, depending on context and circumstances, including by virtue of a particular impairment or the structural barriers of society. Examples of specific measures include outreach and support programmes, allocation and/or reallocation of resources, targeted recruitment, hiring and promotion, quota systems, advancement and empowerment measures, as well as respite care and technological aids[[72]](#footnote-72).

### SUBTITLES: written transcription of dialogues that supplements video footage, aimed at making it accessible for people with auditive disabilities. The difference between subtitling and closed caption is that the latter also describes other relevant parts of the audio.

SUPPORTED DECISION-MAKING: “Supported Decision-Making (SDM) is a series of relationships, practices, arrangements and agreements designed to assist an individual with a disability to make and communicate to others decisions about their life”[[73]](#footnote-73). A supported decision-making regime comprises various support options which give primacy to a person’s will and preferences and respect human rights norms. For example, people with some kind of disabilities are supported in the exercise of their legal capacity. On the other hand, substituted decision-making is based on what is believed to be in the ‘best interests’ of the person concerned, instead of being based on the persons’ own will. That is why the Convention on the Rights of Persons with Disabilities calls for the replacement of traditional substituted decision-making regimes by supported decision-making regimes.

With respect to supports, these encompass both informal and formal support arrangements, of varying types and intensity. For example, persons with disabilities may choose one or more trusted support persons to assist them in exercising their legal capacity for certain types of decisions, or may call on other forms of support, such as peer support, advocacy (including self-advocacy support), or assistance with communication. Support to persons with disabilities in the exercise of their legal capacity might include measures relating to universal design and accessibility in order to enable persons with disabilities to perform the legal acts required to open a bank account, conclude contracts or conduct other social transactions. Support can also constitute the development and recognition of diverse, non-conventional methods of communication, especially for those who use non-verbal forms of communication to express their will and preferences[[74]](#footnote-74).

# T

### TESTIMONY: A formal written or spoken statement, especially one given in a court of law[[75]](#footnote-75).

### TRIBUNAL ESTABLISHED BY LAW (RIGHT TO): the right to be heard by a tribunal established according to the applicable legislation in force[[76]](#footnote-76). This right is a direct consequence of the rule of law, and part of the broader right to a fair trial.

# U

UNIVERSAL DESIGN: **“**means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed”[[77]](#footnote-77).

# W

### WITNESS: A person giving sworn testimony to a court of law or the police[[78]](#footnote-78).

1. Based on the definition provided by EASPD Glossary on Disability. Available at <https://www.easpd.eu/en/content/glossary>. Last consulted on 18/03/2019. [↑](#footnote-ref-1)
2. Based on the definition provided by the RIT Office of Career Services and Cooperative Education*, Glossary of disability-related terms.* Available at <https://www.rit.edu/emcs/oce/employer/emp_pdfs/Disability%20Glossary%20.pdf>. Last consulted on 18/03/2019. [↑](#footnote-ref-2)
3. Ibid. [↑](#footnote-ref-3)
4. Convention on the Rights of Persons with Disabilities, article 21. Available at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. Last consulted on 18/03/2019. [↑](#footnote-ref-4)
5. Action and Adovocacy on the Rights of Persons with Disabilities, *Human Rights. Yes!,* 2nd Ed. Human Rights Education Series: Topic Book 6, Chap. 12. Available at <http://hrlibrary.umn.edu/edumat/hreduseries/HR-YES/chap-12.html>, last consulted on 28/04/2019. [↑](#footnote-ref-5)
6. Convention on the Rights of Persons with Disabilities, article 13. Available at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. Last consulted on 18/03/2019. [↑](#footnote-ref-6)
7. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 138. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-7)
8. ETSI, CEN and CENELEC, Standard EN 301 549 on Accessibility requirements suitable for public procurement of ICT products and services in Europe, 2015. Available at:

   <https://www.etsi.org/deliver/etsi_en/301500_301599/301549/01.01.02_60/en_301549v010102p.pdf>

   Last consulted on: 18/05/2019. [↑](#footnote-ref-8)
9. Based on definitions provided by the European Blind Union (EBU), available at: <http://www.euroblind.org/newsletter/2016/july-august/en/describing-audiodescription> and Disability Rights and Resources, available at: <https://www.disability-rights.org/?page_id=544>. [↑](#footnote-ref-9)
10. Based on the information provided by Ceapat, Comunicación Alternativa y Aumentativa: Guía de referencia, available at:

    <https://ceapat.imserso.es/ceapat_01/centro_documental/publicaciones/informacion_publicacion/index.htm?id=663> [↑](#footnote-ref-10)
11. World Health Organization*, International classification of functioning, disability and health* (2001) p. 214. <https://apps.who.int/iris/bitstream/handle/10665/42407/9241545429.pdf?sequence=1>. Last consulted on 18/03/2019. [↑](#footnote-ref-11)
12. Committee on the Rights of the Children, General comment No. 14, On the right of the child to have his or her best interests taken as a primary consideration, 2013 para.4. Available at: <https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf> . Last consulted on 24/04/2019. [↑](#footnote-ref-12)
13. Convention on the Rights of the Child, Article 3. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. Last consulted on 24/04/2019. [↑](#footnote-ref-13)
14. Committee on the Rights of the Children, General comment No. 14, On the right of the child to have his or her best interests taken as a primary consideration, 2013, par.6. Available at: <https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf> . Last consulted on 24/04/2019. [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. DO IT, Disabilities, Opportunities, Internetworking and Technology, *Glossary of Disability-Related Terms,* available at: <https://www.washington.edu/doit/glossary-disability-related-terms>. Last consulted on 16/05/2019. [↑](#footnote-ref-17)
18. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 11. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-18)
19. Based on the information provided by Find Law, available at:

    <https://litigation.findlaw.com/legal-system/class-action-cases.html>. Last consulted on 16/05/2019. [↑](#footnote-ref-19)
20. Based on the definition provided by the RIT Office of Career Services and Cooperative Education*, Glossary of disability-related terms.* Available at:

    <https://www.rit.edu/emcs/oce/employer/emp_pdfs/Disability%20Glossary%20.pdf>. Last consulted on 18/03/2019. [↑](#footnote-ref-20)
21. Convention on the Rights of Persons with Disabilities, article 2. Available at <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. Last consulted on 24/04/2019. [↑](#footnote-ref-21)
22. Based on the definition provided by the RIT Office of Career Services and Cooperative Education*, Glossary of disability-related terms.* Available at:

    <https://www.rit.edu/emcs/oce/employer/emp_pdfs/Disability%20Glossary%20.pdf>. Last consulted on 14/05/2019. [↑](#footnote-ref-22)
23. Based on the Convention on the Rights of Persons with Disabilities and EASPD Disability Glossary. [↑](#footnote-ref-23)
24. Plena Inclusión, *Qué es la discapacidad intelectual*. Available at: <http://www.plenainclusion.org/discapacidad-intelectual/que-es-discapacidad-intelectual>. Last consulted on: 15/3/2018. [↑](#footnote-ref-24)
25. Committee on the Rights of Persons with Disabilities, General comment No. 6 on Equality and Non-Discrimination, 2018, Par.18. [↑](#footnote-ref-25)
26. Disabled People’s Association Singapore, Glossary of disability terminolgy. Available at: <https://www.dpa.org.sg/wp-content/uploads/2015/10/DPA-Disability-Glossary-FINAL.pdf> Last consulted on: 24/04/2019. [↑](#footnote-ref-26)
27. Oxford Dictionaries Online, Available at: <https://en.oxforddictionaries.com/definition/empowerment> Last consulted on: 17/05/2019. [↑](#footnote-ref-27)
28. Based on the definition provided by EASPD. Available at <https://www.easpd.eu/en/content/glossary>. Last consulted on 18/03/2019. [↑](#footnote-ref-28)
29. Committee on the Rights of Persons with Disabilities, General comment No. 6 on Equality and Non- Discrimination, 2018, par.12. [↑](#footnote-ref-29)
30. Based on the General Comment No.6 on Equality and Non-Discrimination and Article 5 of the Convention on the Rights of Persons with Disabilities. [↑](#footnote-ref-30)
31. UN General Assembly, Standard Rules on the Equalization of Opportunities for Persons with Disabilities, par.24. Available at: <https://www.un.org/disabilities/documents/gadocs/standardrules.pdf>. Last consulted on 17/05/2019. [↑](#footnote-ref-31)
32. Real Decreto Legislativo 1/2013, de 29 de noviembre, por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social, art.2b). Available at: <https://www.boe.es/eli/es/rdlg/2013/11/29/1/con> Last consulted on 17/05/2019. [↑](#footnote-ref-32)
33. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 137. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-33)
34. Oxford Dictionaries Online, Available at: <https://en.oxforddictionaries.com/definition/evidence> Last consulted on: 17/05/2019. [↑](#footnote-ref-34)
35. Based on the definition provided by The Disabled People’s Association, *Glossary of Disability Terminology,* p.11. Available at <http://www.dpa.org.sg/wp-content/uploads/2015/10/DPA-Disability-Glossary-FINAL.pdf>. Last consulted on 18/03/2019. [↑](#footnote-ref-35)
36. UN General Assembly, Universal Declaration of Human Rights, 1948, Article 10, Available at: <https://www.un.org/en/universal-declaration-human-rights/> Last consulted on: 17/05/2019. [↑](#footnote-ref-36)
37. European Convention on Human Rights, Article 6, Available at:

    <https://www.echr.coe.int/Documents/Convention_ENG.pdf> Last consulted on: 17/05/2019. [↑](#footnote-ref-37)
38. Committee on the Rights of Persons with Disabilities, General comment No. 3 (2016) on Article 6: Women and girls with disabilities, par.4. [↑](#footnote-ref-38)
39. United Nations Entity for Gender Equality and the Empowerment of Women, Concepts and definitions, Available at: <https://www.un.org/womenwatch/osagi/conceptsandefinitions.htm>, Last consulted on: 17/05/2019. [↑](#footnote-ref-39)
40. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 94. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-40)
41. General Comment No. 32 Article 14: Right to equality before courts and tribunals and to a fair trial CCPR/C/GC/32, para. 21. Available at: <https://www.refworld.org/docid/478b2b2f2.html> Last consulted on: 23/05/2019. [↑](#footnote-ref-41)
42. Committee on the Rights of Persons with Disabilities, General Comment No. 4, Article 24: Right to inclusive education, 2016, para.11. Available at: <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRPD_General_Comment_4_Inclusive_Education_2016_En.pdf> Last consulted on: 25/05/2019. [↑](#footnote-ref-42)
43. Committee on the Rights of Persons with Disabilities, General comment on article 19: Living independently and being included in the community, 2017, par.16. Available at: <https://bettercarenetwork.org/sites/default/files/CRPD.C.18.R.1-ENG.pdf> . Last consulted on 24/04/2019. [↑](#footnote-ref-43)
44. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, pars. 81 and 82. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-44)
45. Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, 2007, para. 19. Available at: <https://www.refworld.org/docid/478b2b2f2.html> Last consulted on: 23/05/2019. [↑](#footnote-ref-45)
46. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 349. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-46)
47. International Convenat on Civil and Political Rights, Article 14. Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> Last consulted on: 23/05/2019. [↑](#footnote-ref-47)
48. Committee on the Rights of Persons with Disabilities, General Comment No. 4, Article 24: Right to inclusive education, 2016, para.11. Available at: <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRPD_General_Comment_4_Inclusive_Education_2016_En.pdf> Last consulted on: 25/05/2019. [↑](#footnote-ref-48)
49. Based on the information provided by the UK Department of Justice, Available at: <https://www.justice-ni.gov.uk/ri> Last consulted on: 17/05/2019. [↑](#footnote-ref-49)
50. Based on the information provided by Communication Disabilities Access Canada, Available at:

    <https://www.cdacanada.com/resources/access-to-justice-communication-intermediaries/about/communication-intermediaries/> Last consulted on 17/05/2019. [↑](#footnote-ref-50)
51. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, pars.50, 54, 55. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-51)
52. General Comment No. 32 Article 14: Right to equality before courts and tribunals and to a fair trial CCPR/C/GC/32, para. 40. Available at: <https://www.refworld.org/docid/478b2b2f2.html> Last consulted on: 23/05/2019. [↑](#footnote-ref-52)
53. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, pars.43-45. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-53)
54. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, pars.431, 432. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-54)
55. General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial CCPR/C/GC/32, para. 10. Available at: <https://www.refworld.org/docid/478b2b2f2.html> Last consulted on: 23/05/2019. [↑](#footnote-ref-55)
56. Definition based on the Convention of the Rights of Persons with Disabilities, Article 12 and Committee on the Rights of Persons with Disabilities, General comment on Article 12: Equal recognition before the law. The latter can be found at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement> . Last consulted on: 24/04/2019. [↑](#footnote-ref-56)
57. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 44. Available at: <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019 [↑](#footnote-ref-57)
58. Convention on the Rights of Persons with Disabilities, articles 3, 4, 7.2, 7.3, 13, 29, 30, 33.3. [↑](#footnote-ref-58)
59. Based on the definition provided by EASPD Glossary on Disability. Available at <https://www.easpd.eu/en/content/glossary>. Last consulted on 18/03/2019. [↑](#footnote-ref-59)
60. Committee on the Rights of Persons with Disabilities, General comment on article 19: Living independently and being included in the community, par.16. Available at: <https://bettercarenetwork.org/sites/default/files/CRPD.C.18.R.1-ENG.pdf> . Last consulted on 24/04/2019. [↑](#footnote-ref-60)
61. Convention on the Rights of Persons with Disabilities, article 1. [↑](#footnote-ref-61)
62. Based on the information available at: <https://www.plainlanguage.gov/about/definitions/> Last consulted 17/05/2019. [↑](#footnote-ref-62)
63. General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial CCPR/C/GC/32, para. 30. Available at: <https://www.refworld.org/docid/478b2b2f2.html> Last consulted on: 23/05/2019. [↑](#footnote-ref-63)
64. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 55. Available at:

    <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-64)
65. UN High Commissioner, Thematic study on the right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities, par. 14.

    Available at: <https://www.ohchr.org/EN/Issues/Disability/Pages/RighttoAccestoJusticeArticle13.aspx> Last consulted on: 17/05/2019. [↑](#footnote-ref-65)
66. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 46. Available at:

    <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-66)
67. Convention on the Rights of Persons with Disabilities, article 2. [↑](#footnote-ref-67)
68. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par. 51. Available at:

    <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-68)
69. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, pars. 162-163. Available at:

    <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-69)
70. Committee on the Rights of Persons with Disabilities, General Comment No. 4, Article 24: Right to inclusive education, 2016, para.11. Available at: <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRPD_General_Comment_4_Inclusive_Education_2016_En.pdf> Last consulted on: 25/05/2019. [↑](#footnote-ref-70)
71. Convention on the Rights of Persons with Disabilities, Article 5. [↑](#footnote-ref-71)
72. Committee on the Rights of Persons with Disabilities, General comment No. 6 on Equality and Non Discrimination, par.28. [↑](#footnote-ref-72)
73. Disability Rights Maine, Supported Decision-Making, Available at: <http://supportmydecision.org/>

    Last consulted on: 18/05/2019.

    [↑](#footnote-ref-73)
74. Based on the Committee on the Rights of Persons with Disabilities, General comment on Article 12: Equal recognition before the law. [↑](#footnote-ref-74)
75. Oxford Dictionaries Online, Available at: <https://en.oxforddictionaries.com/definition/testimony> Last consulted on: 17/05/2019. [↑](#footnote-ref-75)
76. European Court of Human Rights, *Guide on Article 6 of the European Convention on Human Rights, Right to a fair trial (Criminal Limb)*, updated on 30 April 2019, par.69. Available at:

    <https://www.echr.coe.int/Documents/Guide_Art_6_criminal_ENG.pdf> . Last consulted 17/05/2019. [↑](#footnote-ref-76)
77. Convention on the Rights of Persons with Disabilities, Article 2. [↑](#footnote-ref-77)
78. Oxford Dictionaries Online, Available at: https://en.oxforddictionaries.com/definition/witness. Last consulted on: 17/05/2019. [↑](#footnote-ref-78)