



Just4All

JUSTforALL

PROMOTING FULLY ACCESS TO JUSTICE OF PERSONS WITH DISABILITIES THROUGH THE TRAINING OF LEGAL PRACTITIONERS

Conclusions of the Seminars about the training needs of the justice and cross-border cooperation sectors within the EU in the field of disability

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In addition, expert advice was collected during two seminars organised on this specific topic, one in Brussels gathering specialists from different EU Member States, and one in Madrid, gathering specialists and practitioners from Spain. The programmes and the speakers attending both events are available in the Annex.

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....3

ABBREVIATIONS.....5

ABSTRACT.....6

1 INTRODUCTION7

2 THE TRAINING NEEDS OF LEGAL PRACTITIONERS IN THE EU8

 2.1 KEY LEGAL PRACTITIONERS 8

 2.2 IDENTIFIED GAPS IN THE TRAININGS FOR PROFESSIONALS 10

 A) LAWYERS..... 11

 B) NOTARIES..... 12

 C) ALL LEGAL PRACTITIONERS 12

3 RECOMMENDATIONS.....15

4 CONCLUSIONS17

ANNEX I – INFORMATION ON THE JUST4ALL SEMINARS18

ANNEX II – EXAMPLES OF TRAINING MATERIALS FOR LEGAL PRACTITIONERS.....22

ANNEX III – PERSONS WITH DISABILITIES AND THEIR RIGHTS IN THE EU.....23

JUST4ALL PROJECT31

ABBREVIATIONS

CFR or “Charter”: Charter of Fundamental Rights of the European Union

CSO: Civil Society Organisation

DPO: Disabled Persons’ Organisations

EU: European Union

MOOC: Massive Open Online Course

UNCRPD: United Nations Convention of the Rights of Persons with Disabilities

ABSTRACT

One of the main barriers to access to fundamental rights and accessibility for persons with disabilities is the lack of awareness or training of people in contact with them. The justice system is no exception. For this reason, the UN Convention on the Rights of Persons with Disabilities specifies that "States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff" (Article 13).

This report aims at assessing the gaps in training of legal practitioners and possible ways to improve them in order to ensure a full access to justice for persons with disabilities. In other words: How can we ensure that the persons working in the justice system can be trained to eradicate the barriers that persons with disabilities face whilst interacting with the justice? These interactions can be very diverse in their nature and scope: the person could be testifying, standing trial, judging, seeking to file papers for inheritance, or being a lawyer themselves.

This report addresses the training gaps of legal practitioners, with particular regard to lawyers and notaries, to better promote access to justice for persons with disabilities. It is based on the findings of the Just4All Project, which aims at enhancing access to justice for persons with disabilities in Europe through awareness raising of legal professionals, as well as developing trainings and a Massive Open Online Course for European legal professionals. The project is coordinated by Fundación Once and the partners are the European Disability Forum (EDF), the European Association of Service providers for Persons with Disabilities (EASPD), the University Carlos III of Madrid and Thomson Reuters Aranzadi.

The information found in this report is compiled based on two Seminars organised in Brussels and Madrid (see Annex 1 for more details on the seminars) which were occasions of gathering information from legal experts, NGOs and administrations working on the topic.

1 INTRODUCTION

The EU and all its Member States ratified the UN Convention on the Rights of Persons with Disabilities and therefore must ensure that the Article 13 on access to justice for persons with disabilities is implemented. At the EU level, Article 26 of the European Charter on Fundamental Rights states that “The Union recognizes and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community”. To fulfil these goals, the training of judiciary members is a core necessity.

Unfortunately, the UNCRPD is almost inexistent in the curricula of legal practitioners in the EU. The basis of human rights and disability rights should be taught to legal practitioners with the specificities for lawyers, judges, notaries, prosecutors.

There are also structural issues that hinder legal practitioners from providing the most reasonable accommodation possible. Barriers in the national legislation are a core issue regarding the type of support that legal practitioners can provide to persons with disabilities. The lack of enjoyment of legal capacity for example makes the role of judicial professionals quite challenging as legislation still emphasises substituted decision-making practices while the UNCRPD requires the adoption of “supported-decision making approaches”.

In the attempt to access justice or face the justice system, persons with disabilities are interacting with several professionals, which are not only members of the judiciary. These can include the general public whilst trying to find help, law enforcement staff, social services staff, medical staff, prison staff. However, the most important training needs are those that concern lawyers and notaries, as these are the two legal professions that most can change the way persons with disabilities access justice.

State parties to the UN CRPD should ensure that legal practitioners, including lawyers and notaries, are trained and can help implement a full access to justice for persons with disabilities. This highlights the need to find synergies with several actors in society to jointly ensure access to justice is made possible. Disability support services, but also organisations of legal practitioners with disabilities can be a very powerful resource to know more about the accessibility needs and how to go in the right direction for change in the legal procedures.

To bridge these gaps in training of legal practitioners and others and raise awareness on the needed changes, the JustforAll project, co-funded by the European Union’s Justice Programme (2014-2020), aims at enhancing access to justice for persons with disabilities in Europe through awareness raising targeting legal professionals, as well as developing trainings and a MOOC for them.

2 THE TRAINING NEEDS OF LEGAL PRACTITIONERS IN THE EU

2.1 Key legal practitioners

In the attempt to access justice or interacting with the justice system, persons with disabilities deal with different professionals, which are not *strictu sensu* members of the judiciary. As Article 13 of the UN CRPD highlights, States parties to the Convention should ensure that staff working in the administration of justice - including police and prison staff - are trained and can help implement a full access to justice for persons with disabilities. However, building networks with person with disabilities, services and contacts around them is a must in order to know how to provide referral to legal services, reasonable accommodation and accessible information. Therefore, social services, medical staff or the general public should also be sensitised on the rights of persons with disabilities and especially their right to seek legal remedy in equality with others.

Lawyers and notaries

In the European Union, no rule offers a definition of ‘lawyer’ valid across Europe, and there exists no common career path for practitioners to become lawyers. Member States have autonomy in regulating requirements for the exercise of such a profession, including those related to training. The same is true for ‘notaries’, since each EU country has their own rules for the selection of legal professionals and determination of their functions.

The different role that lawyers, notaries and other legal practitioners play as regards access to justice by persons with disabilities must be taken into account to assess what can be done to adjust the training to their functions. Thus, for example, lawyers are the trusted advisors and representatives of clients, indispensable participants in the administration of justice. By faithfully defending the interests and protecting the rights of their clients, they also perform the social functions of the legal profession: preventing conflicts, ensuring their resolution in a manner consistent with the principles of public, civil and criminal law, assessing rights and interests at stake, promoting the progress of law and defending freedom, justice and the rule of law. In the exercise of their activity, in every Member State lawyers belong to professional organisations (Bar associations) in charge of establishing the rules of professional conduct and administering the relevant disciplinary measures.

For their part, among the main tasks of notaries are drafting private contracts and advising the parties involved, treating all of them equally. When writing official documents, they are responsible for ensuring their compliance with the law, giving the advice thereto, attesting the content of the writings in which they intervene, mediating impartially within parties and reaching mutually acceptable agreements.

Law enforcement officials

Being in first contact with the police, procedures should be in place to identify “vulnerable adults”, whether they have the diagnosis of a specific impairment or not. However, this should not be paving the way to any coercive diagnosis. The role of law enforcement is to make sure that any hearing is made without creating a situation that could be against the UNCRPD and the Victim’s Rights Directive of the EU. For instance, distress could cause person with psychosocial or intellectual disability to agree to confessions in order to finish quicker with the interrogation processes. Going back on this first confession is then very difficult during the proceedings and the person might be wrongfully convicted.

In Spain, some measures have been implemented to enhance access to justice for persons with disabilities. Trainings are ongoing for police staff, for instance on recognising the possibility that a person has a specific communication need in order to deliver the information. In addition, in the country a service of online app for sign language interpretation has been established; although it still bears technical issues due to time constraints, it is useful to facilitate communication with persons using sign language.

Prison staff

According to the article 13 of the UNCRPD, prison staff is a specific part of the legal system that should receive proper trainings and should have clear procedures on how to include persons with disabilities. The funding of proper prison services is still an issue throughout the EU, therefore providing support to persons with disabilities remains also a challenge. To do so, the network around the person with disabilities whilst trying to access justice is key, the multidisciplinary nature of a staff in a prison is specifically crucial to ensure that the support needs are covered in all types of area of life and that the will and preferences of the person with disabilities are implemented.

A worrying situation is that the JustforAll Consortium has received testimonies that persons with support needs are not recognised as disabled during the whole process of the justice system in several Member States. At the moment of arriving in prison, solutions are needed for their everyday life and to foster their reinsertion in society. In Spain, the Unit in charge of the Design, Evaluation and Monitoring of Programmes of the prisons in the country found that in a prison, 208 inmates did not have a disability card but still had support needs. The service has put identification procedures and orientation procedures in place so that they get the needed support. However, a worrying fact is that those persons have been through all the steps of the judicial system without their support needs being flagged. This triggers questions as per the fairness of the proceedings and the people's conviction. In such cases, accountability of the justice administration should be sought out so that such failures in providing reasonable accommodation stop.

In focus – Convictions of persons with intellectual disabilities

In terms of convictions, it has been proven that persons with intellectual disabilities are overrepresented in the criminal justice system and are three more times likely to get convicted than a person without disabilities having faced the same accusations (Søndena et al., 2008). This indicates inequality in front of the law, a Human Right supposed to be guaranteed by article 12 of the UNCRPD. Throughout the justice systems of the EU, the impairment(s) of a person are too often either not acknowledged as existing which leads to a lack of reasonable accommodation and unfair proceedings or are used to deny the legal capacity of the person. Both situations lead to this inequality in front of the law and their overrepresentation in the criminal convictions participate to encourage stereotypes against persons with intellectual disabilities, portraying them as “violent” and “not possible to include in society”.

Disability support services

Professional support and carers of persons with disabilities in each phase of life-cycle, from early childhood intervention to long-term care, should be aware of the legal capacity and rights of their users.

Support services have a role in identifying possible violence or discrimination their beneficiaries may be facing. For that reason, trainings for support services staff should be continued even after the graduation. Continuous trainings are unfortunately not provided evenly throughout the EU, with differences in different countries. For example, in Romania 84% of the social worker specialists in the disability field who were surveyed by an EASPD member stated that they did not receive any training, on any topic, in the last three years¹.

However, disability support services have a key element to be valued by the justice system: their knowledge of the individuals and the different impairments present in the population, as well as how to provide support for an enhanced communication. National processes should be put in place so that willing support services can make their contact available to legal practitioners for counselling on communication modes and reasonable accommodation for persons with disabilities during different phases of notarial or judicial procedures. Costs of support to persons with disabilities should also not be the charge of the person with disabilities put part of the legal aid. It is still often not the case.

Other key actors

The access to justice for persons with disabilities has also to do with the overall awareness of the general population. If persons with disabilities' rights and their right to access justice is not something persons of the general public are aware of, infringements of their rights and lack of support will be continued. For instance, a State clerk, if they are not aware of the right of a person with disabilities could refuse to give certain documents to a person with disabilities to exercise their recourse to justice (e.g. a family record book). According to which sphere of life is concerned, the access to justice for persons with disabilities could also be sought through other intermediaries. For instance: at work get help from a trade union for a recourse. If violence is being observed during a medical visit, the referral to justice and the first contact and testimony of the person with disabilities could also be a medical practitioner. Especially in the case of women with disabilities, who are at higher risk of gender-based violence including sexual violence, the sensitisation of medical staff to those intersectional issues and their support needs in contacting judicial help should be made available to the staff.

2.2 Identified gaps in the trainings for professionals

As a result of the seminars held in the framework of the Just4All project, access to justice for persons with disabilities appears to be hindered by gaps in legal training of legal practitioners. In particular, the following are legal professions that should be taken into specific account when ensuring access to justice through the enhancement of legal training: a) lawyers; b) notaries; c) all legal practitioners.

¹ Study conducted in June 2017, 425 social service specialists were surveyed. Information available on demand.

a) Lawyers

On many occasions, lawyers are the first actors in a judicial procedure. Their petitions, demands, responses and conclusions are preliminary to the work of judges and prosecutors.

Lack of needs-oriented training programmes

- Despite the fact that lawyers should be the link between persons with disabilities and justice, in many countries the training of lawyers is not designed to be oriented to the specific needs of persons with disabilities.
- On several occasions, in the legal education system for lawyers there is neither initial education nor continuous needs assessment and training on the rights of persons with disabilities. When some training is available, it is not mandatory, but rather delivered on a voluntary basis, and often not adjusted to the principles of the UN Convention on the Rights of Persons with Disabilities and is not based on human rights and the social model, but rather on obsolete understandings.
- Many countries lack measures to react to urgent training needs on the rights of persons with disabilities.
- The training of lawyers tends to be standardised and is usually not tailor-made to the rights and situations of persons with disabilities.
- Many Bar associations lack induction legal training of newly-appointed lawyers, let alone on the specific needs, rights and situations of persons with disabilities.
- In the training of lawyers, multidisciplinary and interdisciplinary approaches are scarcely used. The legal background is the only one that appears to count, whereas interaction with other professionals (e.g. social services, psychologic support, etc.) is often missing.
- No interactive skills-based training on concrete situations lawyers could encounter, with particular regard to the rights of persons with disabilities, has been registered during the seminars.
- The training of lawyers tends to be targeted at national law, disregarding European and international law, despite the fact that the rights of persons with disabilities stem from EU legislation and UN treaties.
- Lawyers are generally not prepared to deal with persons with disabilities (both as victims and as perpetrators) and their support persons.
- Traineeships possibilities for lawyers are usually only in law firms, whereas institutions, NGOs and organisations of persons with disabilities seldom count for the purposes of national mandatory legal training.
- In some countries, lawyers defending a person with sensory impairments are left with the decision whether or not to file the complaint in a Court that provides support for these kinds of impairments.
- Lawyers tend to lack contact with stakeholders (e.g. disability organizations) affected in identifying the needs of persons with disabilities.
- Bar associations tend to disregard the use of needs assessment data on persons with disabilities.

b) Notaries

Notaries intervene in multiple aspects of the lives of persons with disabilities and their families, guiding them in the defence of their rights and ensuring compliance with law of the legal acts they wish to realise.

Lack of needs-oriented training programmes

- In most countries, the training of notaries does not take into account to the specific needs of persons with disabilities, which results in their lack of understanding of issues key to grasp the situation of structural discrimination they live.
- Legal education systems for notaries lack continuous needs assessment and training.
- General Councils of Notaries often fail to take into account the use of needs assessment data on persons with disabilities.
- The training of notaries is usually standardised and not tailor-made to the rights and situations of persons with disabilities. Countries tend to lack measures to react to urgent training needs on the rights of persons with disabilities.
- Many General Councils of Notaries lack induction legal training of newly-appointed notaries, let alone on the specific needs, rights and situations of persons with disabilities.
- In the training of notaries, multidisciplinary and interdisciplinary approaches are scarcely used. The legal background is the only one that appears to count, whereas interaction with other professionals (e.g. social services, psychological support, etc.) is often missing.
- No interactive skills-based training on concrete situations notaries could encounter, with particular regard to the rights of persons with disabilities, has been registered during the seminars.
- The training of notaries tends to be targeted at national law, disregarding European and international law, despite the fact that the rights of persons with disabilities stem from EU legislation and UN treaties.
- In many countries, even though notaries perform a public function, public administrations do not equip them with support services for persons with sensory impairments.
- Notaries usually lack knowledge and training on the UN Convention on the Rights of Persons with Disabilities and on the EU disability legislation.
- Autonomy of persons with disabilities is generally overlooked in legal training for notaries as either unimportant or a subject matter which should not deviate from standardised procedures based on specific needs.
- Notaries lack training in universal accessibility, therefore the services they provide tend to be inaccessible to persons with disabilities.

c) All legal practitioners

Lack of learning-modules on disability as a cross-cutting subject

- The UN CRPD is not yet implemented as a cross-cutting subject in national education curricula.

- The supremacy of international law over national law has not been implemented yet by all States, which translates into a lack of awareness of the importance of international and European law on disability.
- Legal practitioners often lack knowledge of the rights of persons with disabilities, with particular regard to barriers, access to justice, accessibility, prejudices, gender issues, reasonable accommodation, procedural accommodations, legal capacity, intersectionality, autonomy, disability-based discrimination.
- Legal operators are often unaware of the most appropriate terminology to refer to persons with disabilities.
- On the whole, disability is missing as a cross-cutting subject throughout legal education, let alone education in general, from elementary to upper secondary education.
- Public competitions and tests to access legal professions do not evaluate knowledge of disability rights and issues.
- Discrimination is largely missing as a legal issue in legal training, let alone disability-based discrimination.
- Legal practitioners usually lack training on specific communication needs of persons with particular disabilities, e.g. persons who need sign-language and interpretation.

- Law enforcement officials, police officers, prison staff and other professions related to legal practice are not trained on the rights and variety of situations of persons with disabilities.

Law enforcement officials and police officers

- Training on vulnerabilities and concrete issues faced by persons in particularly vulnerable situations, such as persons with disabilities, is often missing.
- Law enforcement officials and police officers are not trained to detect disabilities at an early stage.
- These officers are not usually trained to ensure that the right of persons with disabilities to be listened to is respected.
- Training is missing on how to avoid putting persons with intellectual or psychosocial disabilities in uncomfortable situations or distress that could lead them to confess to crimes they did not commit and be wrongfully convicted.

Prison staff

- Lack of adequate funding for proper prison services is a general issue across Europe, but it places a disproportionate burden on persons with disabilities.
- Prison staff often lack multidisciplinary training.

Judges and prosecutors

- Initial training to become judge or prosecutor, in many countries, do not take into account the need to include disability rights and issues in curricula.
- Judges and prosecutors tend to receive education based on standardised assumptions of proceedings.
- Judges and prosecutors do not receive training on international and European law.

Academics

- In Europe, legal education is not yet based on the social model of disability.
- Academic certification in many countries are awarded without ensuring that disability issues such as accessibility have been assessed and dealt with.
- Few legal clinics in Europe provide legal assistance on the rights of persons with disabilities.

d) Intersecting issues: lack of access to legal education for persons with disabilities

- A number of barriers have been identified as regards the access to legal education for persons with disabilities, which hinder their possibilities of entering legal professions and ensure that legal practitioners are not a role tailored-made for persons without disabilities.
- Access requirements for universities are usually based on the unconscious assumption that students will not have disabilities.
- Legal studies are yet to be implemented in a manner consistent with universal design and accessibility.
- Due to all such gaps, persons with disabilities on the whole are underrepresented in the legal profession in European countries.

3 RECOMMENDATIONS

- Training on disability rights and issues should be provided for all legal practitioners across Europe, including (but not limited to) lawyers, notaries, law enforcement officials, police officers, prison staff, judges and prosecutors and academics.
- It should be recommended that the UNCRPD and the European Charter of Fundamental Rights provisions be included in the mainstream curricula for legal education.
- Participatory training approaches should be provided for, as a means to the inclusion of the issues of persons with disabilities in legal education.
- Working environments should be designed implementing continuous assessment of learning needs that include disability rights and issues.
- Tutoring and mentoring could be regarded as a reasonable measure to integrate disability issues into legal education and training.
- All technology-based training and blended learning should be based on the principles of universal design and accessibility.
- Victims assistance offices should be established and specifically trained under the public service.
- Mandatory, regular and periodic training, with specific learning modules on the rights and situations of persons with disabilities should be provided throughout national education systems, with particular regard to legal training.
- Disability training should use a cross-cutting approach.
- The rights of persons with disabilities and their situations should be included in public competitions and tests to access legal professions.
- Procedures should be put in place for all legal professions to identify vulnerabilities.
- Universal design and accessibility should be implemented as principles for all legal education. They are particularly important for the functions that lawyers and notaries perform, as the services they provide must be accessible to all persons with disabilities.
- Legal clinics should play a crucial role in providing for legal education and assistance on the rights of persons with disabilities.
- All legal operators should be trained to be able to identify barriers to access to justice and the equal enjoyment for persons with disabilities of all rights, taking into account fundamental aspects such as, inter alia, age and gender.
- Indicators and data collection should be used as instrument of great relevance to give a full picture of reality and its challenges, and analyses should be carried out based on such data in all matters related to persons with disabilities.
- Legal education and training should be aimed at identifying and removing harmful stereotypes against persons with disabilities, as well as paternalistic approaches and assumptions.
- Awareness raising measures should be provided for at all stages of education and in all curricula.
- Training on the use of non-discriminatory concepts, words and expression by all legal practitioners is key to the inclusion of persons with disabilities.
- Legal training should take into consideration various forms of communication that persons with disabilities could need.

- As required by the UN Convention on the Rights of Persons with Disabilities, legal training should include at least the following contents: barriers faced by persons with disabilities in accessing justice; the rights enshrined in the Convention, including participation on an equal basis with others; the provision of procedural accommodations in the legal process; overcoming gender- and disability-based stereotypes; the rights connected to marriage, family, parenthood, fertility and relationships; and ways to combat prejudice against persons with disabilities, particularly those with psychosocial and/or intellectual impairments.
- As a remedy for underrepresentation of persons with disabilities in legal professions, several measures must be taken, including vocational training, reasonable accommodations and individual support at the workplace.

4 CONCLUSIONS

- Throughout the EU it should be recommended to have the UNCRPD and the European Charter of Fundamental Rights provisions included in the mainstream curricula of Law Higher Education Institutions and in the postgraduate trainings provided in general by the National Bar.
 - ✓ Clear learning outcomes on the rights of persons with disabilities and the national process as per how to provide reasonable accommodation should be set.
 - ✓ As well as the possible use of their provisions in law cases and the way to appeal to the competent courts.

- Clear accountability procedure should be set in the Member States when the rights of persons with disabilities to access justice are being infringed - either per discrimination during the proceeding, unavailability of support services or inaccessibility of buildings. The EU legislation through for instance the Victim's Right Directive are necessary but non-sufficient protections, national accountability systems and review of the judicial processes should be set in place to make sure that the circle does not continue.

- Coproduction should be engaged to make sure that new legal processes and justice buildings are accessible to all. In that regard the involvement of organisations of legal practitioners with disabilities is a necessary step.

- The EU could work with Member States, Disabled Persons Organisations, Service provision organisations and Bar Associations to develop tools for a full access to justice for persons with disabilities with clear and timely goals. For instance, it could be a European Code of Conduct for legal practitioners in regard with working with persons with disabilities, and/or detailed plans as per when all the Courts of the EU should be fully accessible.

- Beyond the scope of the members of the judiciary, the training of legal practitioners should be regarded as equally important as the one of law enforcement and prison staff. Pre-litigation and post-litigation phases are as crucial in the judicial proceedings for the access to justice of persons with disabilities.

ANNEX I – INFORMATION ON THE JUST4ALL SEMINARS

Programme Seminar Brussels, 29th May 2019

Page 1/2

SEMINAR

ENSURING ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES: IDENTIFYING GAPS IN THE TRAINING OF LEGAL PRACTITIONERS



Registration is mandatory to access the building, to register please send an email to lea.rollin@easpd.eu. You will also be requested to show your ID card or passport to enter.

CONTEXT

One of the main barriers of access to rights and accessibility for persons with disabilities is the lack awareness or training of people in contact with them. The justice system is no exception. For that reason, the UN Convention on the Rights of Persons with Disabilities specifies that "States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff" (article 13).

The European Association of Service providers for Persons with Disabilities (EASPD) and its partners: Fundacion Once, European Disability Forum, University Carlos III of Madrid and Thomson Reuters Aranzadi invite you to join a seminar to exchange and analyse how are legal practitioners informed on the topics and which are the training needs of legal practitioners to ensure a full access to justice for persons with disabilities.

During the event we will discuss the issues that key legal professions have encountered while trying to provide the best access to justice to persons with disabilities as well as the solutions in terms of training and the role of European Union in that respect. The outcomes of this seminar will be used to inform a training for legal practitioners and will be used to raise awareness as a whole for the JustforAll project, co-funded by the European Union's Justice Programme (2014-2020).

OBJECTIVES

1. Discuss the gaps in training of legal practitioners across the EU to ensure access to justice for persons with disabilities.
2. Discuss how content and process could be enhanced and guarantee a better access to justice for persons with disabilities.
3. Discuss the different training gaps for the diverse groups of legal practitioners.



This Seminar is funded by the European Union's Justice Programme (2014-2020)

PROGRAMME

Moderator of the Seminar: Luk Zelderloo, EASPD

09:00 - 09:30 COFFEE

09:30 - 09:35 WELCOMING REMARKS

Miguel Angel de la Cabra, EESC

09:35 - 10:00 INTRODUCTION

Luk Zelderloo, EASPD

10:00 - 11:00 PANEL DEBATE: ENHANCING ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES IN EUROPE

- *Sanja Jovičić, Academy of European Law (ERA)*
- *Benjamin Pitcho, Council of Bars and Law Societies of Europe*

 OPEN DEBATE DISCUSSION

11:00 - 11:15 COFFEE BREAK

11:15 - 12:45 PANEL DEBATE: WHAT ARE THE GAPS IN TRAINING OF LEGAL PRACTITIONERS?

- *Isabella Eberl, International Union of Notaries*
- *Marijke De Pauw, UNIA, the Interfederal Center for Equal Opportunities*
- *Nadia Hadad, the European Network on Independent Living*

 OPEN DEBATE DISCUSSION

12:45 - 13:00 CONCLUSIONS
Beatriz Rabadán, Fundacion Once

 Follow the JustforAll project at
<https://www.just4all.eu/>

↑ To register and for more information,
please contact:

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Programme Seminar Madrid, 1st July 2019

Page 1/2

SEMINAR

'ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES: IDENTIFYING GAPS IN THE TRAINING OF LEGAL PRACTITIONERS'



^^ WHEN 1st July 2019

^^ WHERE Consejo General del Notariado, Calle Silvano, 55, 28043 Madrid

^^ WORKING LANGUAGE Spanish

^^ NUMBER OF PARTICIPANTS 40

CONTEXT

One of the main barriers of access to rights and accessibility for persons with disabilities is the lack awareness or training of people in contact with them. The justice system is no exception. For that reason, the UN Convention on the Rights of Persons with Disabilities specifies that "States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff" (article 13).

The Institute of Human Rights "Bartolomé de las Casas" de la Universidad Carlos III de Madrid, and its partners: Fundacion Once, European Association of Service providers for Persons with Disabilities (EASPD), European Disability Forum, University Carlos III of Madrid and Thomson Reuters Aranzadi **invite you to join a seminar to exchange and analyse how are legal practitioners informed on the topics and which are the training needs of legal practitioners to ensure a full access to justice for persons with disabilities.**

During the event we will discuss the issues that key legal professions have encountered while trying to provide the best access to justice to persons with disabilities as well as the solutions in terms of training and the role of European Union in that respect. The outcomes of this seminar will be used to inform a training for legal practitioners and will be used to raise awareness as a whole for the JustforAll project, co-funded by the European Union's Justice Programme (2014-2020).

OBJECTIVES

uc3m | Universidad Carlos III de Madrid
Instituto de Derechos Humanos
Bartolomé de las Casas



This Seminar is funded by the
European Union's Justice
Programme (2014-2020)

1. Discuss the **gaps in training of legal practitioners** across the EU to ensure access to justice for persons with disabilities.
2. Discuss how **content and process could be enhanced** and guarantee a better access to justice for persons with disabilities.
3. Discuss the different training gaps for the **diverse groups of legal practitioners**.

SCHEDULE

9:30-10:00 Greetings and introduction.

Mr. José Ángel Martínez Sanchiz, President of the General Notarial Council
Mr. Pablo Caruana Huder, Institutional Relationships. Thomson Reuters Aranzadi
Mr. Miguel Ángel Cabra, Social and International Corporative Alliances. ONCE Foundation
Dr. Rafael de Asís Roig, Institute of Human Rights "Bartolomé de las Casas". University Carlos III de Madrid

10:00-10:30 TRAINING OF LEGAL PRACTITIONERS AND THE EUROPEAN SPACE OF JUSTICE

Moderator: Mr. José Ángel Martínez Sanchiz, President of the General Notarial Council.
Speaker: Mr. Francisco Fonseca Morillo, Director of the European Commission Representation in Spain.

10:30-11:15 PANEL DEBATE. DISABILITY IN THE TRAINING OF LEGAL PRACTITIONERS

Moderator: Mrs. Lourdes Márquez de la Calleja, Head of Department of Social and International Relationships. ONCE Foundation.
Speakers:

- Dr. Patricia Cuenca Gómez, Human Rights Institute "Bartolomé de las Casas". University Carlos III de Madrid
- Mr. Jesús Martín Blanco, CERMI's Delegate for CRPD "Easy-to-Use Guide on the CRPD for Legal Practitioners 2019"

11:15-11:45 Coffee Brake

11:45-12:45 PANEL DEBATE. STATE SECURITY FORCES AND PRISON STAFF TRAINING

Moderator: Mrs. Beatriz Rabadán López, Department of Social and International Relationships. ONCE Foundation.
Speakers:

- Mrs. Florencia Pozuelo Rubio, Head of the Area of Design,

ANNEX II – EXAMPLES OF TRAINING MATERIALS FOR LEGAL PRACTITIONERS

Several initiatives have been taken to ensure that procedures and guidelines are in place on the side of legal practitioners and law enforcement to ensure access to justice for persons with disabilities. The following list compiles resources of this sort that can be found easily online:

<i>Country or Region</i>	<i>Document Reference</i>	<i>Targets</i>
UK/Wales	Access to Justice, A Guidebook supporting the responsive and appropriate management of adults with a learning disability in the criminal justice system in Wales; 2013	Prison management and staff, law enforcement
UK	Toolkits from the Advocate’s Gateway	Legal practitioners, lawyers
Spain	Fundacion Carmen Pardo-Valcarce, Guia de intervencion policial con personas con discapacidad intelectual, 2012	Law enforcement
UK	Judicial College, Equal treatment benchbook, 2015 [2013], Chapter 7	judges, magistrates and all other judicial office holders
EU	Training Pack, innovating European lawyers to advance the rights of children with disabilities, 2016	Lawyers
EU	AJUPID Project, Guide to promising practices on access to justice and legal capacity of persons with disabilities, 2016	Legal practitioners
EU	Example of training from the Academy of European Law (November 2019 on access to justice for persons with disabilities)	Legal practitioners
Spain	CERMI, uía de fácil uso de la Convención Internacional sobre los Derechos de las Personas con Discapacidad para Operadores Jurídicos	Legal practitioners

The JustforAll consortium neither approves or disapproves those guides. They can be seen as instances of training material for persons working in or around the justice system.

ANNEX III – PERSONS WITH DISABILITIES AND THEIR RIGHTS IN THE EU

Persons with disabilities

There are more than 80 million people with disabilities living in the EU. In the Victim's Directive of the EU it is explained that they *"tend to experience a high rate of secondary and repeat victimisation, of intimidation and of retaliation"* ([Victim's Rights Directive 2012/29/EU](#)). This failure in providing judicial repair and legal protection from abusers shows that full access to justice is still to come for persons with disabilities in the EU. Besides, access to justice is a very basic step to ensure the full access to any other rights and social justice: from protection from crime to access to inheritance. This can ultimately affect the person's health, housing, income, in the end the impossibility to access legal and justice services can be both a result and a cause of poverty.

The socio-economic situation of persons with disabilities in the EU is significantly important to understand which barriers they can face whilst trying to access justice, as those factors weight for instance if one needs to pay a lawyer. There are significant differences across countries, yet in all of them people without activity limitation are on average less exposed to the risk of poverty and social exclusion than those with some activity limitation. Severe material deprivation is more frequent in Eastern European Member States. For instance, more than half of those with an activity limitation in Bulgaria (57 %) are severely materially deprived while the share is assessed to be 3 % in Luxembourg². International literature recognises that persons with disabilities are more at risk of violence and crime than persons without disabilities although it remains underreported. It is also important to focus on intersectional issues as they require to go further than an only mainstream approach: children with disabilities and women with disabilities are even more at risk violence and justice fails even more often to provide legal remedies.

Besides, persons with disabilities are too often referred in the literature as only "victims with disabilities". Beyond this specific case, while assessing the conditions for a full access to justice, persons with disabilities should be also considered for every possible scenario while facing justice: persons with disabilities as defendants, testifying during a trial, prosecutors, jurors, legal practitioners themselves, etc.

Legal framework

a) UNCRPD

The Convention of United Nations on the Rights of Persons with Disabilities (UNCRPD) introduced a holistic and integrated Human Rights approach to address social and economic inequalities faced by persons with disabilities. It clearly acknowledges that societal barriers and prejudices are themselves disabling. Therefore, society is required to adapt to persons - and not the other way around - according to their specific individual needs and by putting in place structures and measures to facilitate access of persons with disabilities into society. Individualized support, personalized planning and empowerment of individuals are elements required to be part not only of the outcomes of policies but should be carefully built into all processes and policy instruments.

² [Eurostat, Disability statistics - poverty and income inequalities \(August 2015\)](#)

The 28 Member States of the European Union have ratified the UNCRPD. Following that, the EU itself acceded to the CRPD in December 2010, making it the first human rights treaty to ever have been ratified by a regional organisation. The EU is responsible for implementation of the Convention to the extent of its competences that are defined in [Council Decision 2010/48/EC](#) and the [Code of Conduct](#) between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the European Union relating to the Convention. By concluding the UN Convention, the EU is committed to ensure and promote the full realization of all human rights for all persons with disabilities through the adoption of new legislation, policies and programmes and the review of existing measures.

In regard with access to justice for persons with disabilities, The United Nations Convention of the Rights of Persons with Disabilities (UNCRPD) clearly stipulates that actual access to justice is a Human Right and that the States must “ensure effective access to justice for persons with disabilities on an equal basis with others” (article 13). This article is quite intertwined with article 12 that guarantees the right to legal capacity and equal recognition before the law (see the part II of this report on Legal capacity). Other articles of the UNCRPD are also linked to access to justice services: for instance, the article 9 states that persons with disabilities must have access on an equal basis with others, to the physical environment, information and communications, and to other facilities and services open to the public.

b) European legal framework

The Council of Europe and the European Union in their legal framework on access to justice for persons with disabilities draw their principles from the UNCRPD. Following the adoption of the UNCRPD by the European Union, the [Council Decision 2010/48/EC](#) stated accordingly that:

“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 and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.”

Although the EU does not have a competence on the justice system in the Member States, access to justice is considered a Human Right and everyone shall be considered equal before the law (article 20 of the EU Charter of Fundamental Rights (2012/C 326/02)). In that sense, several legal documents have specified areas where the Member States must ensure equality of the population. First, the article 10 of the Treaty on the Functioning of the European Union and article 21 of the European Union Charter of Fundamental Rights defines disability as one of the grounds on which Member States and individuals shall not be discriminated against, ensuring the very basis of equality of persons with disabilities before the law and the justice services. The article 26 of the Charter of Fundamental Rights of the European Union also reiterates that “The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community”.

Following EU Directives give a more in-depth look into the obligations for Member States which are not only prohibiting discrimination but insuring that positive actions are taken for persons

with disabilities. Importantly, the [Victim’s Rights Directive](#) (2012/29/EU) explicitly guarantees specific rights for which many have been infringed for persons with disabilities in the past and unfortunately still nowadays. As an example, the right to understand and be understood in tribunals: this provision obligates Member States to provide interpretation or intermediaries to persons with specific needs in terms of communication, which is still not guaranteed throughout the EU.

The European Union Agency for Fundamental Rights in their *Handbook European Law relating to access to justice*, provided the table below³. It gives an overview of the most important European legal content on access to justice and legal capacity for persons with disabilities:

Issues covered	European Union	Council of Europe
Access to justice	<p>Charter of Fundamental Rights</p> <ul style="list-style-type: none"> Article 6 on the right to liberty and security, Article 20 on equality before the law, Article 21 on non-discrimination, Article 47 on the right to an effective remedy. <p>Victims’ Rights Directive (2012/29/EU)</p> <p>Directive on interpretation and translation (2010/64/EU)</p> <p>Directive on right to information in criminal proceedings (2012/13/EU)</p> <p>Directive on access to a lawyer (2013/48/EU)</p>	<p>European Convention on Human Rights (ECHR)</p> <ul style="list-style-type: none"> Article 5 on the right to liberty and security, Article 6 on the right to a fair trial, Article 14 on prohibition of discrimination – <i>this article does not mention directly discrimination but the CoE interpretation includes it in “others”</i> <p>ECtHR, A.K. and L. v. Croatia, No. 37956/11, 2013</p>
Legal capacity		ECtHR, Shtukaturov v. Russia, No. 44009/05, 2008

© European Union Agency for Fundamental Rights, 2016

A list of relevant international and European legal regulations can also be found on the website just4all.eu

Legal capacity, as can be seen in the table above, does not have a specific legal protection at EU level although it is a core topic to ensure full access to justice for persons with disabilities.

Legal capacity of persons with disabilities

When considering access to justice for persons with intellectual the denial of their legal capacity deprives their right to act legally for themselves and be recognised as bearer of rights. In that case they often have a legal guardian who takes some or all decisions for them. People with intellectual

³ FRA – European Union Agency for Fundamental Rights, Handbook on European law relating to access to justice, Luxembourg: Publications Office of the European Union, 2016, page 149.

disabilities have legal capacity like all people do and discriminatory labels as “unsoundness of mind” should not deny their legal capacity. It is possible, however, like all people, that their decision-making ability varies depending on social, environmental and personal factors. For this a shift in paradigms is necessary. In 2013, the General Comment on article 12 of the UNCRPD (Equal recognition before the law) denounces a “general failure to understand that the human rights-based model of disability implies a shift from the substitute decision-making paradigm to one that is based on supported decision-making”⁴.

Indeed, according to Human Rights standards, the needs for persons with intellectual disabilities should be addressed by using supported decision-making, which leaves the individual autonomy of the mentally disabled person unchanged and ensures the person retains control over his own life. Supported decision making primarily differs from substitute decision making in that the decision is made by the concerned person himself or herself, with support of others, which is voluntary and is based on trust. It is the supported person's intentions and aspirations that matter in the course of supporting, and not his or her “objective” interest.

Restrictions on legal capacity are typically achieved by the legal instruments of substituted decision-making. Under different national laws, legal instruments for substituted decision-making take different forms and are called by various names (e.g. guardianship, conservatorship, trusteeship etc.). Substituted decision-making may be plenary or partial, whether it covers all the legal affairs of the person or only a part of them. Legal capacity may be denied, for example if the substitute decision-maker makes the decisions on behalf of the person on his/her own; or may be restricted, if the guardian and the person have joint decision-making rights. Common features of substituted decision-making are as follows:

- legal capacity is removed from a person, even if this is just in respect of a single decision
- a substitute decision-maker can be appointed by someone other than the person concerned, and this can be done against his/her will
- any decision made by a substitute decision-maker is based on what is believed to be in the ‘objective best interests’ of the person concerned, the supported person, as opposed to being based on the person’s own will and preferences.

Supported decision-making can be defined as follows:

- It does not affect legal capacity: the individual makes his/her decisions and legal statements on his/her own
- the supporter is appointed by the supported person, or at least with his/her consent
- the supported person can follow his/her own will or preferences, even if the outcome is unreasonable, risky or in conflict with his/her objective ‘best interest’.

In Bulgaria for instance it is estimated that three quarter of persons with disabilities are under guardianship. Their legal capacity is not recognised which means that they cannot perform any legal act themselves and must get their guardian to consent and perform it for them. This creates a situation of crucial conflict of interest for instance on financial and family related legal acts. The will and

⁴ Committee on the Rights of Persons with Disabilities, General comment on Article 12: Equal recognition before the law, CRPD/C/11/4, page 2.

preferences of the person with disabilities that should be protected under international Human Rights standards are in fact not heard in a lot of cases.

Legal practitioners: the theoretical framework

General considerations

a) Awareness raising on the human rights framework of the UN CRPD

A first step to ensure access to justice of persons with disabilities can be enhanced is fighting the stereotypes towards them. The fact that they are seen by such stereotypes as “non-reliable” or “inventing stories” is often an excuse to dismiss a case. A preliminary awareness raising about the rights and abilities of persons with disabilities is a first step towards their full access to justice and the implementation of article 12 and 13 of the UNCRPD as well as article 26 of the Charter.

Indeed, one of the most pressing need in terms of training is on disability as a topic as such, and on the diversity forms of abilities of humans. A common issue is that many professionals from the judiciary see the alternative modes of communication of persons with disabilities as a complete impossibility of communication. For instance, nonverbal communication modes may be seen for a judge as an impossibility to testify and this judge may base his/her decision following a “best interest” approach. This approach is non-compliant with the approach put in place by the UNCRPD Committee: the best interpretation of will and preferences. It has been emphasised by Disabled Persons Organisations (DPOs) that a person with disabilities has the right to make mistakes, even if they do not communicate or think in the same manner as the legal professional, their will and preferences must be respected and their will should not be replaced by what the legal practitioner “think is best for them” (see part II on legal capacity). This paternalistic approach has been denounced several decades ago in the women’s rights movements and has been understood by the general public and the justice system. However, persons with disabilities’ rights movements still struggle to be heard by the States on this paradigm shift from best interest to the respect of will and preferences.

Concerning the organisations responsible for the training of legal practitioners, it varies in Member States. Although all legal practitioners have to go through Universities, the EU countries have very different and specific training systems for their legal practitioners during academic learning, induction training and continuous training. The information gathered by the Council of Bars and Law Societies of Europe (CCBE) and the European Centre for Judges and Lawyers of EIPA shows that induction and continuous trainings can be performed by various actors. However, National Bar Associations keep a crucial role in them in most countries⁵.

Unfortunately, although it is a responsibility for any State parties to the Convention, the UNCRPD is almost inexistent in the curricula of legal practitioners around the EU. Lawyers should particularly be incentivised to consult the Concluding Observations of the UN CRPD Committee on their State. It encompasses the most recent review of national laws and processes which may be problematic or which rights have to be preserved in link with the national context. For the training of judges, the hierarchy between International Law and National Law in the country matters. In more

⁵ European e-justice portal, *Lawyers' training systems in the Member States*, Last update: 20/09/2018 ([URL](#))

monist systems, judges can invoke international law directly and therefore refer directly in their judgement to the provisions of the UNCRPD and/or other UN Conventions. This is, unfortunately rarely the case, as most countries have a system between monist and dualist. Concerning the effects of laws, the EU law has very important effects as its primacy over national law makes the issues very clear for the judges. The EU law texts and decisions listed in this report should be of utmost importance in the training of the legal practitioners. Notaries for their part have been used to explain documents and procedures to the general public, it is an important part of their profession. But providing reasonable accommodation, even online, remains an issue. For instance, because of no wheelchair access in their buildings or inaccessible public service software.

The trainings should be enforced by Law schools and Bar Associations to have weight and be followed by legal practitioners. The audiences of such trainings should be sought to be mixed between a diversity of legal professionals who are already experimented on the topic and professionals new to the topic, so that experience can feed the training as cases are often very specific. To be usable the trainings in law schools should ideally also have a fragmented approach since disability rights have to be presented on many different areas of law (e.g. administrative, constitutional, private law, etc.) and topics (e.g. housing, health, family, etc.).

In the Report of the Office of the United Nations High Commissioner for Human Rights (“Right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities”, A/HRC/37/25) of December 2017, the requirements are clearly listed as follows:

“States must also seek to overcome barriers in access to justice by providing training to judicial officers, lawyers and others, including forensic experts, prison staff and the police, on the human rights of persons with disabilities.(...) The Committee has recommended that training programmes address such areas as:

- (a) barriers faced by persons with disabilities in accessing justice;
- (b) the rights enshrined in the Convention, including participation on an equal basis with others;
- (c) the provision of procedural accommodations in the legal process;
- (d) overcoming gender- and disability-based stereotypes;
- (e) the rights connected to marriage, family, parenthood, fertility and relationships; and
- (f) ways to combat prejudice against persons with disabilities, particularly those with psychosocial and/or intellectual impairments.”

b) Disability justice: the role of legal practitioners

Appealing towards higher courts like Constitutional or the European Court of Justice or even the UNCRPD – if the Member State has ratified the Optional Protocol of the UNCRPD – is a step forward to changing national regulations or pushing for new regulations in a State. But those are lengthy and costly processes. They are close to advocacy work that should be sought out when the State has not implemented human rights standards. Legal practitioners still can have a role in such cases for a better Disability Justice.

Although there are instances of legal practitioners focusing on Disability Justice, for instance the awareness raising campaign on access to justice launched by the Association of Finnish lawyers #oikeuskuuluukaikille (justice belongs to all), there are very few law students who are drawn to the

topic in itself. In most Universities in the EU, disability is not a topic of course in itself. At most, like in Belgium, a course on non-discrimination can be planned but the focus of the course would change often, disability topics being one between many (e.g. age, xenophobia...). As gender studies have been developed and specialisation created in some countries, it would be possible to develop such curricula on disability studies. To this day, the topic is very under represented and treated in both the courses and the legal research.

In that sense, legal clinics are a great opportunity for both sides: users and professionals. Their pro bono work allows persons in vulnerable socio-economic situations to access justice and for professionals, often recently graduated they can learn directly on the ground on cases that are further than their main field of expertise. Because of more fragile socio-economic backgrounds persons with disabilities are referring more often to legal aid than persons without disabilities. Even if it can help to mainstream information on the rights and discrimination faced by persons with disabilities, the legal aid clinics still often struggle to be financially sustainable. A result is that they may have to take on many cases and therefore put less focus on each of them. It is in the end, not a long-term solution for the training of all lawyers.

c) Underrepresentation of persons with disabilities in the legal profession

Persons with disabilities should be included in any profession and sector of society. This should be also the case of the judicial sector, however there is a clear underrepresentation of persons with disabilities in the legal profession and those that do work in this field, face lots of prejudices. To remedy this underrepresentation, several measures, including vocational training, reasonable accommodations and individual support at the workplace, must be taken. Their voice is also crucial when creating judicial reforms, buildings, processes, so that they can bring their knowledge on the very technical issues of law and the experience of a professional with disabilities. Without essentialising professionals with disabilities to their impairment, it exists organisations that are already set up in several countries which members are legal practitioners with disabilities.

In focus – “Commando” on accessibility at the new Paris Tribunal

In France, the Paris Bar comprises 30 000 lawyers with disabilities which is not a big number compared to the whole Bar but is still a group that needs consideration and would be a resource to better understand what the support and accessibility needs of persons with disabilities are in the French justice system.

However, one of the biggest construction work of those last years in Paris, the new Court of Justice of Paris, finished recently, has been proven by a group of legal practitioners with disabilities to be lacking basic accessible requirements. Organised in a “commando” they have faced numerous issues just to enter and access the court rooms. Measures were taken for accessibility but have been shown as maladjusted by the “commando”.

This costly construction project granted its architect with the *Equerre d’Argent* architecture award but for the public with disabilities interacting with the justice system it is a major missed opportunity to have had their basic accessibility needs included. Consultation of organisation of legal professionals with disabilities should be a mandatory step for every major project impacting the jurisdiction in a country.

In this case, after the report of the commando, no public nor private accountability has been decided. Discussions were engaged but the final answer was that the building was and is protected by intellectual property rights for its architecture work.

d) Barriers in national legislation

As explained on the part on legal capacity, the article 12 of the UNCRPD is not implemented in many countries which creates a great barrier to make one's will and preferences heard in front of notaries, prosecutors, lawyers or judges. Members of the judiciary still have as a mission to apply the law as it is and unless an appeal arrives to the European Union Court of Justice – for instance regarding provisions of the EU Victim's Rights Directive - or the UN CRPD Committee, legal practitioners will still have to apply the non Human Rights compliant national law. This barrier is highlighted by many legal practitioners who are sensitised to disability rights and still have persons with disabilities under their guardianship, without the possibility to make an entire supported-decision making process prevail.

In addition, the provision of reasonable accommodation is not made mandatory and accessible to the legal practitioners in most countries. For instance, for an Italian lawyer defending a deaf person who communicates through sign language, it is up to the will of the lawyer to find a Court that provides an interpreter. The lawyer has to write an official request and follow up the question. Lack of obligations in the legislation makes reasonable accommodation often a matter of good will instead of a systemised process with accessible information both for the person with disabilities and the lawyer as per how to access it.

In focus – access to justice for children with disabilities

In some Member States, the support needs and the legal situation of children with disabilities in front of justice can differ greatly compared to adult with disabilities. Indeed, in some countries, they are not allowed to be part of judicial proceedings when the minors justice is engaged (children being the defendants and for instance a child being the victim) but can be part of it when criminal justice is engaged (child being the victim and an adult being the defendant). This can lead to very different scenarios also for the child with disabilities because they won't be heard by justice after having filed the complaint against minors. This is the case for instance in Czech Republic and in Austria.

In addition, cumulating two discriminatory factors for which the confrontation with the justice system can lead to distressing situations and two factors that can also lead law enforcement, judges, prosecutors to believe less the facts enunciated by them. Specific methods of interview should be used to avoid distress which can affect the facts enunciated.

On the international law perspective, the position of the UNCRPD Committee also differs between children and adults with disabilities. The article 7 (children with disabilities) and article 23 (respect for home and the family) underlines that the "best interest of the child" is the approach to safeguards their rights. This differs with the right to respect of "will and preferences" over the "best interest" for adults with disabilities (see part III.2.a). Although the paradigm differs, it is still considered that included for children with disabilities, they should be part of the discussions and decisions regarding their own lives.

For resources on training of legal practitioners on access to justice for children with disabilities please consult Annex 2 *Examples of training materials for legal practitioners*.

JUST4ALL PROJECT

[The Just4all project](#) aims to promote access to justice for persons with disabilities by raising awareness among legal practitioners on the needs of people with disabilities and develop a training for legal practitioners on that topic. JustforAll seeks to promote the effective implementation of the European Charter of Fundamental Rights, the UN Convention on the Rights of Persons with Disabilities and EU legislation on disability. The project is also looking at cross-cutting issues of gender and children with disabilities and consider the variety of legal domains that the justice system entails.

Partners

- [Fundacion Once](#) (project coordinator)
- [European Disability Forum](#) (EDF)
- [Thomson Reuters Aranzadi](#)
- [Universidad Carlos III de Madrid](#)
- [European Association of Service providers for Persons with Disabilities \(EASPD\)](#)

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