

Model Disability Bench Book

Why Do We Need a Bench Book?



People with intellectual and psychosocial disabilities often face barriers when they must deal with the justice system. This includes when they are victims of crime, witnesses, or accused of doing something wrong.



These barriers make it hard for them to talk to police officers, lawyers, and judges, or to understand what is happening in court.



The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is an important law that says countries must help people with disabilities access justice just like everyone else. This means making sure they understand what's happening and can fully take part in legal processes.



Even though all countries in the European Union (EU) have agreed to follow the CRPD, many laws still don't focus on the specific needs of people with intellectual and psychosocial disabilities. These laws often don't say that some people need special support to understand legal information and communicate their thoughts and needs during legal proceedings.



In some cases, outdated laws don't even include the right of people with disabilities to get the help they need in court. Because of this, many people with intellectual and psychosocial disabilities don't get good legal advice.



They also face bad attitudes from people working in the justice system, who may not know much about disabilities or how to work with people who have them.



In many countries though, people working in the justice system do try to provide some help to those with intellectual and psychosocial disabilities. They might use plain language, speak slowly, or take breaks to give the person time to understand.



Sometimes, they also work with groups that are good at helping people with disabilities or allow family members to be present during legal proceedings.



The Bench Book is a guide meant to help judges, lawyers, police officers, and others in the justice system learn the best ways to support people with intellectual and psychosocial disabilities.



This guide can also be useful for the general public, including people with disabilities and their families, who want to understand their rights and how to be involved in legal cases.



Rights of People with Disabilities

The CRPD is a key international agreement that protects the rights of people with disabilities. Countries that have agreed to follow this law must make sure that:



- People with disabilities are not treated unfairly or discriminated against because of their disability.



- They have the same rights as anyone else to take part in legal processes, including going to trial.



- They get the support they need to make decisions and fully take part in legal processes.



- Barriers to taking part in court are seen early, and the right support is provided to help them understand what's going on.



- Information and legal documents are given to them in ways they can understand, for example through easy-to-read, large print, Braille, or other accessible ways.



- People who don't speak the language of the court are provided with interpreters or translation services.



- They receive free or low cost legal help, and their lawyers are trained to understand their needs.



- They have the right to be present at their trial and are seen as innocent until proven guilty.



These rights are also protected by EU laws, which work alongside the CRPD to make sure people with disabilities are treated fairly in the justice system.

How to Put These Rights into Practice

To make sure that people with disabilities can take part in legal processes, the justice system needs to do these things:



- See that people with disabilities have the right to be involved in all stages of court proceedings and provide them with the right support.



- Include the kind of supports a person with a disability might need as soon as possible and involve them in the decision-making process. These are also called accommodations.



- Don't wait for the person to ask for help. Justice system workers should offer and arrange for these accommodations.



- Make sure all court buildings are accessible, and that the place is comfortable for the person with a disability. For example, they might remove formal clothing like robes to make the place less scary.



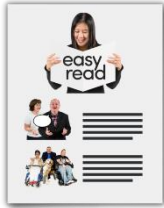
- Use language that is clear, simple, and suited to the person's needs. This includes speaking slowly, avoiding hard words, and taking breaks during court sessions.



- After meetings or court sessions, confirm important dates and make sure the person understands what is expected next.

Communication and Information Rights

People with disabilities have the right to receive information in ways they can understand. This includes:



- Providing information in simple formats like leaflets or easy-to-read documents.



- Avoiding difficult legal language that could be confusing.



- Making sure the person understands their rights and the legal process, including the right to remain silent and the support available to them.



- Offering support for communication, such as sign language interpreters, communication boards, or other assistive technologies.

Access to Legal Help

Lawyers play an important role in helping people with disabilities get through the justice system. To make sure they get the right legal help:



- People with disabilities should be provided with legal aid as soon as they come into contact with law enforcement.



- The same lawyer should be involved throughout the entire process when that can happen.



- Lawyers should be trained on how to communicate well with people who have disabilities, and they should have access to tools that help them do so.



- People in custody or at risk of detention must have access to a lawyer straight away.



- National Bar Associations should oversee the quality of legal services to make sure they meet the needs of people with disabilities.

Attending Trial and the Presumption of Innocence



People with disabilities have the right to be present at their trial and to be treated as innocent until proven guilty. To support this:



- The courtroom and building should be made less scary, and the right supports or accommodations should be provided to help the person to take part.



- Remote hearings may be used, but they must be carefully managed to make sure the person can still take part fully. A remote hearing happens when the person is not in the courtroom but can communicate with those who are.