

Executive Summary: International Synthesis Report

“The justice system and its symbols are scary. In most places, courts are not about justice, they are about power. For anyone, facing these symbols of power is disabling. the focus should be on justice..... and making it accessible for all.”

Gábor Gombos, former member of the United Nations Committee on the Rights of Persons with Disabilities and former Senior Adviser to Validity.



Summary

The justice system can be very scary. In many places, courts are about power, not justice. Facing this power is hard for everyone, especially people with disabilities.



In the ENABLE project, we found that people with disabilities in 8 EU countries struggle to get justice. These countries are Bulgaria, Czechia, Lithuania, Portugal, Romania, Slovakia, Slovenia, and Spain.



There are many barriers in these countries that stop people with disabilities from getting a fair trial. These barriers can be issues such as social, legal, health, money, or linked to gender.



Many people with disabilities do not get the support they need in the justice system. They often feel scared, ashamed, and treated unfairly. They are not given the things they need to defend themselves, and their ability to make decisions is often ignored.



People feel that the justice system is designed to punish, not to protect their rights. This becomes worse when the mental health system is involved. Defendants with disabilities are often seen as a problem for the psychiatric care system.



Disability is not a problem to be fixed. It is caused by barriers that stop people from taking part in society and legal processes. The focus should be on removing these barriers and providing support that respects the person's wishes.



But in the ENABLE project, we found that the opposite is happening. People with disabilities are often seen as dangerous or unable to understand the legal process.



Guardianship schemes also make it hard for people with disabilities to have a fair trial. In some countries, people under guardianship do not get the support they need, and their decisions are made by their guardians.



For example, in Lithuania, there is no system to help people with disabilities when their guardians are not acting in their best interests.



People with disabilities have the right to make their own choices in the justice system. Some countries like Portugal, Spain, Slovenia, and Bulgaria have laws that support decision-making, but it is not the same in all countries.



In some countries, decisions are made without involving the person with a disability. This makes them feel ignored and powerless. They also face discrimination and violence from the police and other authorities. This stops people trusting the justice system.



Discrimination happens when a person is treated unfairly and not equal to everyone else because of things like their disability, race, religion, gender etc.



Many defendants with disabilities are forced into mental health hospitals or protective detention. Protective detention means keeping someone in a safe place, like a special hospital. They are often not told why they are there or given information about their case. This is against their right to a fair trial.



The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is an international law that protects the rights of people with disabilities.



It says that everyone has the right to a fair trial. People with disabilities should be given the support they need to understand the legal process and make their own decisions.



Less than half of the defendants with disabilities we spoke to were told about their rights, like the right to a lawyer. Even when they were given information, it was often too hard to understand.

"It would have been preferable if someone had assisted me in understanding what I didn't understand, as happened later with Plena Inclusión. However, I didn't know anyone who could assist me. They didn't seem to be paying attention to me. [...] There were words I'd never heard before. They wouldn't let me say anything."

Spanish defendant with intellectual disability



Some good changes have been made. For example, there is now a law that says a lawyer must be present in criminal court processes in all 8 EU countries. But there are still many barriers to getting legal help, especially for people in psychiatric institutions.



Defendants with disabilities are often not given enough time to talk to their lawyers before a hearing. Lawyers sometimes make decisions without talking to their clients. There is a need for more training for lawyers on how to communicate with people with disabilities.



People with disabilities are often treated unfairly by the police. They are sometimes forced to wear shackles, which makes them look dangerous. This makes it look like all people with disabilities are dangerous, but this is not true.

“He felt tense and depressed (at the court hearing). His ears were buzzing. His father was at the courtroom, but he was not allowed to speak to him. He had shackles around his ankles, but they were very tight, and his leg got swollen. He told this to the escorting police officers but they said, "when the hearing ends we will loosen them.”

“They put handcuffs on, my legs hurt, and they shoved them underneath... I couldn't put my shoes on, and they took me outside and then into detention. And my roommate thought that I had a problem with my head, you know?”



Some police officers use force when it isn't needed when dealing with people with disabilities who are in crisis. This is a big problem in countries like Czechia.



All people with disabilities have the right to be treated fairly in the justice system. They should be given the support they need to take part in legal processes. But most EU countries do not have laws that make sure this happens.



Non-Governmental Organisations (NGOs) are groups that are not ran or controlled by the government. In some cases, NGOs have stepped in to provide the support that the state does not. This shows that more needs to be done to make sure people with disabilities can access justice.



Some good changes have been made, like using plain language in court and allowing supporters to help with communication. But these changes are not happening across all countries.



In Spain, some defendants with disabilities had good support thanks to their family members and social workers. This helped them to understand the legal process and take part in their defence.



Policy Recommendations for The European Commission and European Parliament



Legal Capacity

All EU countries should change their laws to make sure that people with disabilities have the right to make their own decisions in their own cases. Support should be given to help them understand and take part in the process.



Supportive Measures

There should be laws that make sure people with disabilities get the support they need to remove barriers in the justice system. This includes making sure they can understand and be understood in legal processes.



Training for Authorities

Police, judges, and lawyers should get training on how to work with people with disabilities. This training should be based on UN principles.



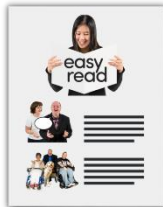
Dialogue with the EU

The European Commission should talk with people with disabilities to improve laws and policies. They should also support research on how to share information in better ways during criminal cases.



Review of Guardianship

The European Commission should review the use of guardianship. They should share their findings and ideas on how to make sure people with disabilities can make their own decisions.



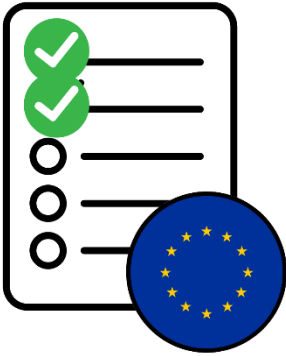
Accessible Information

Information about rights and legal processes should be easy to understand. This includes using different formats, like videos, Easy-to-Read info, audio guides, and sign language.



Access to Lawyers

People with disabilities should have easy access to lawyers. Legal aid should cover the cost of interpreters and other communication supports.



EU Strategy

A strategy is a plan with steps that help us get to a goal such as equality. The EU should create a strategy to make sure people with disabilities have equal access to justice. This strategy should include training, support for NGOs, and monitoring of how laws are carried out.



Oversight and Monitoring

The European Commission should monitor how well EU countries are carrying out laws that protect the rights of people with disabilities in the justice system. They should collect data on the experiences of people with disabilities and act where needed.



Supporting Innovation

Innovation means thinking up new and creative ways of doing things. These practices by NGOs and people that support people with disabilities in the justice system should be supported and given what they need to happen.



By making these changes, the justice system can become fairer and more accessible for everyone, including people with disabilities.

