



ESCAP EXPERT GROUP MEETING  
JUNE 2022

**ACCESS TO JUSTICE FOR WOMEN  
WITH INTELLECTUAL AND  
PSYCHOSOCIAL DISABILITIES**



## ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES

- Convention on the Rights of Persons with Disabilities (CRPD) led to paradigm shift in the legal recognition of the autonomy of persons with disabilities.
- Over 15 years of the CRPD persons with disabilities are still prevented from accessing justice on an equal basis with others.
- Women with disabilities face additional barriers to accessing justice due to discrimination on the basis of both their gender and disability. They are disproportionately excluded from legal protection and are more likely to have their credibility questioned owing to harmful gender norms and disability stereotypes.
- Women with intellectual and psychosocial disabilities face the greatest justice challenges.

# Barriers for women with intellectual and psychosocial disabilities

## Legal Capacity

1. Exclusion through restrictions on legal capacity.
2. Guardianship and other substitute decision making regimes.
3. Practices that assess competence.

## Biases, stereotypes and stigma

1. Gender biases and stereotypes as well as disability stereotypes and stigma.
2. Perceived as less credible = deterred from filing complaints etc.
3. Sometimes sole witness, particularly in sexual violence cases.

## National laws, rights awareness & support

1. Many national laws may not be CRPD compliant i.e. permit institutionalization and sterilization.
2. Absence of accessible information and information channels.
3. Limited legal assistance, representation, and judicial support.

## Lack of knowledge and economic support

1. Gaps in knowledge of disability issues in the justice and law-enforcement sectors.
2. Lawyers lack training and support to work with clients with disabilities.
3. Lack of gender- and disability-sensitive government budgeting.

# Learnings: World Justice Forum event on access to justice for women with intellectual and psychosocial disabilities

## Experts

Women with intellectual and psychosocial disabilities are best placed to share their experience of justice and their justice needs. We must listen to them and work with them. They are the experts and should be partners when identifying and designing solutions.

## OPDs

Organizations of Persons with Disabilities (OPDs) play an important support, training, and advocacy role for the rights of persons with disabilities. They need support, including to build their capacity on access to justice issues.

## Justice System Transformation

Put people at the centre of justice - women with intellectual and psychosocial disabilities need a justice system that is gender-sensitive and disability-inclusive, that respects their rights. End the discrimination, stigma, and negative attitudes.

## Information and Training

Ensure information and communication is in accessible formats. Justice system actors need encouragement, support and training to provide disability inclusive and gender sensitive services and support.

## Law and Policy Reform

Includes recognition of these women as legal actors, moving to supported decision making, and ending permissible violence. We need legal needs surveys! Immediate creative solutions can be taken justice actors to facilitate effective justice outcomes.

## Inclusion and participation

Include women with disabilities as actors in the justice system – police, lawyers, judiciary, legal professionals, etc. This will infuse lived experience of gender and disability issues into the justice system.





**We need to bring the disability and justice communities together, along with women’s human rights experts, to listen, identify and understand the challenges, and to work together to design and implement solutions. Women with intellectual and psychosocial disabilities must be at the centre of justice system transformation.**