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

<table>
<thead>
<tr>
<th>Legal Capacity</th>
<th>Biases, stereotypes and stigma</th>
<th>National laws, rights awareness &amp; support</th>
<th>Lack of knowledge and economic support</th>
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<td>1. Exclusion through restrictions on legal capacity.</td>
<td>1. Gender biases and stereotypes as well as disability stereotypes and stigma.</td>
<td>1. Many national laws may not be CRPD compliant i.e. permit institutionalization and sterilization.</td>
<td>1. Gaps in knowledge of disability issues in the justice and law-enforcement sectors.</td>
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<td>2. Guardianship and other substitute decision making regimes.</td>
<td>2. Perceived as less credible = deterred from filing complaints etc.</td>
<td>2. Absence of accessible information and information channels.</td>
<td>2. Lawyers lack training and support to work with clients with disabilities.</td>
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<td>3. Practices that assess competence.</td>
<td>3. Sometimes sole witness, particularly in sexual violence cases.</td>
<td>3. Limited legal assistance, representation, and judicial support.</td>
<td>3. Lack of gender- and disability-sensitive government budgeting.</td>
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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.