
Access to justice for persons with disabilities in EU law, under the CRPD and beyond

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CRPD

Article 15

- States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 22

- Persons with disabilities have the right to the protection of the law against interference or attacks to their right to respect for privacy.

CRPD Article 13

- Effective access to justice on an equal basis with others.
- Effective access to justice at all phases of the administration of justice, including at preliminary stages, such as initial investigations.
- To be both direct and indirect participants, including being witnesses.
- To receive procedural and age-appropriate accommodations to facilitate access to justice.
- To provide training to those working in the administration of justice, including police and prison staff, in order to help ensure effective access to justice for persons with disabilities.

Concluding Observations China

- While appreciating the establishment of legal aid service centres for persons with disabilities, the Committee notes that these service centres often lack the necessary resources and do not operate on an independent basis => The Committee suggests that the State party allocate the necessary human and financial resources to the legal aid service centres. It asks the State party to ensure that these centres safeguard the access to justice of persons with disabilities independently and in practice, including below the county level.
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Concluding Observations China

- The Committee is concerned that neither the criminal nor the civil procedure laws in China are accessible for the use of persons with disabilities on an equal basis with others and, instead, patronizing measures are put into place, such as the designation of public defenders that treat the person concerned as if they lacked legal capacity. =>The Committee suggests that the State party reviews its procedural civil and criminal laws in order to make mandatory the necessity to establish procedural accommodation for those persons with disabilities who intervene in the judicial system can do it as subject of rights and not as objects of protection.
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Stockholm Programme (2009)

- Europe of law and justice. The achievement of a European area of justice must be consolidated to as to move beyond the current fragmentation. Priority should be given to mechanisms that facilitate access to justice, so that people can enforce their rights throughout the Union. Cooperation between public professionals and their training should also be improved and resources should be mobilised to eliminate barriers to the recognition of legal acts in other Member States.

TFEU, Article 67(4)

- “the Union shall facilitate access to justice, in particular through the principles of mutual recognition of judicial and extrajudicial decisions in civil matters”
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Charter of Fundamental Rights, Article 47 Right to an effective remedy and to a fair trial

- Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.
 - Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.
 - Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.
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