



EUROPEAN
DISABILITY
FORUM

European Disability Forum's recommendations on digitalisation of justice

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Introduction

The European Disability Forum (EDF) is an umbrella organisation of persons with disabilities that defends the interests of over 100 million persons with disabilities in the European Union. We are a unique platform which brings together representative organisations of persons with disabilities from across Europe. We are run by persons with disabilities and their families, and as such represent a strong, united voice of persons with disabilities in Europe.

EDF welcomes the initiatives of the European Commission to improve access and efficiency of the justice system. The creation of a toolbox of measures to boost digitalisation in justice systems across the EU can be beneficial to improve access to justice of persons with disabilities. To avoid further inequalities, the EU must consider the potentials and risks it creates for persons with disabilities.

Barriers in the (digital) justice system

Since before the COVID-19 outbreak, persons with disabilities have difficulty accessing the justice system. Lack of accessibility and reasonable accommodation affects provisions of digital services and disability-friendly formats, access to information and built environment in and communication with and within the justice system; it ranges **from inaccessible websites to inaccessible courtrooms**.

Although the [2016 Web Accessibility Directive](#) requires all website and mobile applications of the public sector bodies to be accessible to persons with disabilities, **many websites are not fully accessible** for users of screen-readers, or the **information is not easily understandable** for persons with intellectual disabilities, learning disabilities or on the autism spectrum, among others.

There is a lack of information available for persons with disabilities. The [2020 Justice Scoreboard](#) shows that in 2019, 10 out of 27 EU Member States had **no online information for persons with visual or hearing impairments**.

A 2020 Study by the British Equality and Human Rights Commission on inclusive justice shows how the system is not designed to the needs of persons with disabilities hindering their ability to actively participate to justice-related decision directly affecting their lives. When designing the

digitalisation of justice (in terms of tools and processes), attention should be given to the needs of persons with disabilities as to design an inclusive cross-border e-justice.

Workers with disabilities such as lawyers, judges, prosecutors and clerks, are affected by said lack of accessibility and reasonable accommodation which hinders their work and limits the amount of people with disabilities who are hired within the justice system.

Persons with disabilities and the digital gap

Persons with disabilities have a **lower access to internet and digital tools** than the rest of the population. Although limited data is available, a study indicates that in 2012, on average 7 out of 10 European citizens had Internet access at home but only 5 out of 10 among those who declared an activity limitation connected to impairment or disability.¹ As persons with disabilities are also at a much higher risk of poverty and social exclusion², they are **less likely to have access to internet and their own digital equipment** such as computer, laptop and mobile (when there are accessible ICT products at an affordable price). Older persons with disabilities are particularly left behind, with no training on digital skills and often no alternatives to digital services.

While some countries took measures to ensure equal and free access to digital tools, major disparities remain. According to the 2020 Justice Scorecard, 12 EU Member States have not equipped their courts with computer terminals with internet connection available to the public. In countries that do have this service, it is not certain whether they are equipped to accessibility settings, such as screen readers for blind persons or those with low vision.

The EU's obligation to ensure accessibility of the justice system

The [United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#) is an international human rights treaty ratified by the EU and all its Member States. It commits all who ratify it to implement and promote the full realisation of all human rights for all persons with

¹ Scholz, Yalcin and Priestley, Internet access for disabled people: Understanding socio-relational factors in Europe (2017) available at: <https://cyberpsychology.eu/article/view/6767/6262>.

² EU figures suggest that in 2018, 28.7% of all persons with disabilities were living in poverty and experience social exclusion, with an even proportion for women and young adults with disabilities, and those from other marginalised groups. EU SILC 2018, except for Slovakia, Ireland and the UK for which that data is from 2017.

disabilities through the adoption of new political tools and review of existing legislation and policies.

Regarding access to justice, article 13 of the Convention requires the EU and its Member States to ensure full accessibility of the justice system of persons with disabilities, “including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.”

In 2015, the [CRPD Committee recommended](#) that the EU take appropriate action to combat discrimination faced by persons with disabilities in accessing justice by ensuring that full procedural accommodation and funding for training justice personnel on the Convention are provided in its member States. The Committee also recommended that the EU guarantee full access to justice and eliminate all barriers, including physical and procedural barriers, and those relating to legal capacity, in European courts.

In August 2020, the UN Special Rapporteur on the rights of persons with disabilities, the Committee on the Rights of Persons with Disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility published [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#) that must guide the work of the EU and its Member States.

EDF's recommendations

Digitalisation of the justice system has the potential to increase accessibility and equal access to justice to persons with disabilities in the EU. However, to do so, some disparities, including the digital gap and alternatives to digital services must be addressed.

EDF recommends that the European Commission includes the following points in its initiative:

- Recognise **accessibility as a core principle** of the digitalisation of the justice system and ensure **accessibility is a requirement** in all EU initiatives on digitalisation, including in the ‘toolbox’ of measures to boost digitalisation in justice systems across the EU
- Provide **accessible alternatives to digital services and formats**, and reasonable accommodations based on the individual needs of

the person with disabilities – whether participants or workers in the justice system

- Invest in **increasing the digital skills of persons with disabilities in the EU**, including of older persons with disabilities, with specific actions related to increasing their knowledge of digital accessibility features and how to make use of them
- **Increase the competences of ICT professionals in accessibility** for persons with disabilities and invest in training future professionals to become specialised technical support and accessibility for persons with disabilities
- Encourage the **exchange of good practice in accessible digital justice** between Member States
- **Train EU and national staffs working** in the field of administration of justice in relation to the needs of persons with disabilities to access justice at the same level than non-disabled people
- Gather **data on accessibility** and impact of digitalisation of justice on persons with disabilities, in particular in the EU Justice Scorecard
- Ensure that persons with disabilities and their representative organisations at European, national and local levels, are **involved in meaningful consultation** when guiding the implementation of the points listed above

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