**Questionnaire on good practices to ensure effective access to justice for persons with disabilities**

1. Please provide information on any existing good practices in legislation, policies and/or institutional measures taken in your country to ensure effective access to justice for persons with disabilities on an equal basis with others, as required by article 13 of the Convention of the Rights of Persons with Disabilities.

**Response from Intermediaries for Justice.**

**Following the 1999 Youth Justice Criminal Act Intermediaries have been used more and more in the criminal courts. Recently this has been extended to Family courts. Intermediaries have a clinical background i.e speech and language therapists/clinical psychologist /experience of special educational needs/experience of mental health. We work with vulnerable witnesses (they have a statutory right) and vulnerable defendants (at the discretion of the court) The following are entitled to the assistance of an intermediary:**

**Any child under 18 years old**

**People with Mental Health issues**

**People with Learning Disability**

**People with Neurodevelopmental disorders**

**People with Physical Disabilites**

**Traumatised people**

**Vulnerable elderly**

1. Please provide information on any existing good practices in place in your country, including strategies and guidelines, to facilitate the direct or indirect participation of persons with disabilities in judicial and other legal proceedings (e.g., as concerned parties, witnesses, jurors, judges, lawyers, experts.) including in the areas of:
* Recognition of the right to legal standing;
* Accessibility and access to information;
* Procedural, gender- and age-appropriate accommodations; and
* Provision of legal aid.

**Please visit our website** [**https://www.intermediaries-for-justice.org/**](https://www.intermediaries-for-justice.org/) **where you will find detailed information about the many adjustments we recommend to enable the effective participation of vulnerable people. IfJ is a registered charity with a vision of opening the ‘accessible door’ to justice; where all people understand the questions they are asked and can tell what has happened. IfJ promotes and supports the work of intermediaries, who are communication specialists working with vulnerable people in the justice system.**

**Please see the case studies** [**https://www.intermediaries-for-justice.org/case-studies**](https://www.intermediaries-for-justice.org/case-studies) **which give examples of good practices. We are currently working on two short films explaining our work which will soon be available on our website.**

1. Please provide information on any existing good practices in jurisprudence in your country related to the effective access to justice for persons with disabilities.

**It is now a statuary right for a vulnerable witness to be assisted by an intermediary. This approach is now regular practice in family courts and is starting to take place in civil case and tribunals. The assistance of an intermediary enables effective participation and fair access to justice.**

1. Please provide information on any existing good practices in your country to promote access to effective remedies and reparations in cases where the rights of persons with disabilities have been breached.

**We frequently work on cases where the person has attempted to disclose to the police but has been unable to communicate. Only with the assistance of an intermediary have the rights of the vulnerable/disabled person been upheld.**

1. Please provide information on any innovative initiatives that have been taken in your country to promote and ensure effective access to justice for persons with disabilities.

**The National Crime Agency hold a list of intermediaries and their skill sets . When the police recognise they are working with someone with a disability /vulnerability they request the assistance of an intermediary. The intermediary then attends an assessment session with the police at the persons home/school/hospital/secure setting/prison according to the need.**

**The document ‘Every reasonable step’ is an collection of measures which have been taken by intermediaries to enable communication . Please follow the following link to access ‘Every Reasonable Step’**

<https://lexiconlimited.co.uk/wp-content/uploads/2019/06/Consolidated-list-of-a-more-flexible-approach-November-2017.pd>

**In cases of vulnerable defendants we sit next to the vulnerable /disabled person in the dock or well of the court and explain what is going on in the trial. We simplify using a few written words or diagrammes. We are able to explain the order of the trial. We review barrister’s questions in advance to assist with language appropriate to the vulnerable person’s needs. We sit in the witness box next to them when they are giving evidence and intervene if the questioning does not comply with the recommendations from the initial intermediary assessment findings.**

**With children and vulnerable witnesses we may suggest that counsel question in the live link room face to face which is transmitted to the court , judge and jury.**

**If a person is selective mute they may whisper to the intermediary or write down what they want to say. The intermediary then says it verbatim exactly as said.**

**We frequently use drawing, props, figurines and symbols to assist communication.**

**At all trials we attend a Ground Rules Hearing with the trial judge and barristers where the intermediary assessment findings are discussed and the best way to proceed in the interest of fair justice is agreed.**

**Catherine O’Neill**

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 Chair of Intermediaries for Justice.

 Speech and Language Therapist .

Psychological Therapist . Specialist in Trauma Informed Practice.



**Intermediaries for Justice**

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