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

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| Submission by Unia (Interfederal Centre for Equal Opportunities), Belgium  *Uniais an interfederal public service, specialised in equal opportunities and non-discrimination.*  *Unia is responsible for assisting victims of discrimination based on different grounds (one of which is disability), protected by the anti-discrimination laws that transpose European directives 2000/43 and 2000/78 into national law.*  *Unia is also responsible, as national independent mechanism, for promoting, protecting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) in Belgium.*  Contact person: Marijke De Pauw, [marijke.depauw@unia.be](mailto:marijke.depauw@unia.be) |

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.**

The Belgian antidiscrimination legislation prohibits discrimination against persons with disabilities in the area of access to and supply of goods and services which are available to the public. Access to justice is also covered by these provisions. The denial of reasonable accommodation amounts to discrimination, so authorities have a legal obligation to provide reasonable accommodations for persons with disabilities in their role as witness, juror, complainant, defendant, etc.

It should be noted, however, that although the legal framework itself is a good practice, there is no sufficient guarantee of the implementation of the right to reasonable accommodation in judicial proceedings in practice.

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.**

A brochure “Mieux approcher la surdité” (“How to approach deafness better”) was developed in 2013 to inform police officers who are in contact with deaf persons and persons with hearing impairments. The brochure contains advice and tools in order to help police officers to guarantee quality of reception of deaf persons.

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.**

In 2015, a man had to appear before the police court, but the building was not accessible for wheelchair users. The man is therefore unable to access the court room. The judge was notified that in previous cases, the proceedings would take place in the parking lot. The judge, however, finds that this “solution” goes against the dignity of the person. He refers to the CRPD and the European Convention on Human Rights to support this conclusion. Finally, the judge refers the case back to the public prosecution to decide on how to proceed once there is a new, accessible court building.[[1]](#footnote-2)

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.**

Unia is not aware of any good practices in this regard.

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.**

Unia is not aware of any innovative initiatives.

1. <https://www.unia.be/files/Z_ARCHIEF/2015_01_06_pol._vilvoorde.pdf> [↑](#footnote-ref-2)