Dear Ms Devandas-Aguilar,

Thank you for your request for information regarding good practices to ensure effective access to justice for persons with disabilities. The Netherlands Institute for Human Rights (hereafter: the Institute) is an ‘A-status’ national human rights institution and the Dutch monitoring body under the Convention on the Rights of all Persons with Disabilities (CRPD).

While access to justice has not been one of the focal points in its monitoring work on the CRPD so far, the Institute considers it to be an important topic. The Institute organised an expert meeting on access to criminal procedural justice in 2018 and a conference on access to justice with a workshop on CRPD in 2019. Experiences shared during these events showed that access to justice for persons with disabilities has not yet reached its fullest potential in the Netherlands. For example, the recognition of (mental) disabilities remains a challenge for police officers, in particular when the person with the disability is able to hide it well, or when the disability is not directly or clearly visible. Communication methods and language used are not always suited to persons with visual or mental disabilities. And procedures may not always take possible disabilities into account, such as the difficulties posed when a lawyer in a wheelchair is forced to bring physical case files - rather than a laptop - to a court room and thus has to arrange for a co-worker to bring their files. These experiences show that improvements can still be made.

However, good practices also exist. Last year the Institute issued an advisory opinion on the Dutch Bill on Criminal Procedural Law. In that context, two District Courts were visited in order to see and discuss in what way these courts were accessible for persons with disabilities. In general, it can be said that both buildings are wheel-chair accessible and that help may be available on request. Moreover, the The Hague District Court has applied tactile surface guide strips on the surface leading up to the entrance in order to enable persons with a visual impairment to find the entrance to the court building by themselves. Both District Courts have one or more courtrooms with audio induction loops enabling persons with a hearing aid to follow the meeting.

A good practice I would like to mention in particular concerns the aforementioned The Hague District Court. In 2016 the Court invited a group of disabled persons – through a local foundation for disabled persons – to visit its court building and to make suggestions to improve its accessibility. The tactile strips mentioned above were one of the suggestions coming out of that meeting. It must be stressed, though, that this meeting has been an initiative of that specific Court itself. To my knowledge, such good practices have so far not been implemented structurally by all courts.

In criminal law cases in particular, access to justice for persons with disabilities starts prior to a court session. In this respect it may be interesting to mention that in our country police interrogations may be carried out by detectives with special training in interrogating ‘vulnerable’ persons, including persons with a mental disability.[[1]](#footnote-1) However, the use of these trained experts may depend on recognition of such a disability by police officers and the availability of one of the (limited number of) experts.

I do hope that these best practices are useful for your research. In case you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Anne van Eijndhoven

Senior policy adviser

Netherlands Institute for Human Rights

1. *Aanwijzing van het College van procureurs-generaal inzake auditief en audiovisueel registreren van verhoren van aangevers, getuigen en verdachten* (2018A008) (Instruction of the Board of Prosecutors General on auditory and audiovisual registration of interrogations of persons making a report, witnesses and suspects); *Aanwijzing van het College van procureurs-generaal inzake zeden* (2016A004) (Instruction of the Board of Prosecutors General on sexual abuse); V. Drost, P. van Haaren and W. Jongebreur, ‘*Mensen met een licht verstandelijke beperking in het justitiële domein. Een verkenning naar de huidige uitvoeringspraktijk*’ (Moderately mentally disabled persons in the justice domain. An exploratory study into current practice), commissioned by the Ministy of Security and Justice, December 2016. [↑](#footnote-ref-1)