



THE NAIROBI DECLARATION ON ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES

15th October 2025

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This Declaration draws on discussions from the Africa Regional Workshop on Access to Justice for Persons with Disabilities, organized by the International Commission of Jurists (ICJ) in collaboration with the United Disabled Persons of Kenya (UDPK), in Nairobi, Kenya, on 14 and 15 May 2025.

The Workshop was held under the theme: *“Strengthening Access to Justice for Persons with Disabilities through Legal Reforms and Compliance with the CRPD and the African Disability Protocol.”*¹

The workshop is complementary to other ICJ regional workshops on access to justice for persons with disabilities, particularly the Latin America Regional Workshop held in Bogota, Colombia, between 18 and 20 September 2023,² and the Asia Regional Workshop held in Kathmandu, Nepal, on 11 and 12 May 2024.³

The workshop identified common legal and practical barriers, some structural and systemic, that impede effective access to justice for persons with disabilities and exchanged information on the good practices across different countries in Africa.

The workshop developed recommendations aimed at advancing the full realization of the human rights of persons with disabilities in the African region.

The Nairobi Declaration on Access to Justice for Persons with Disabilities

We, the participants of the Africa Regional Workshop on Access to Justice for Persons with Disabilities, held on 14 and 15 May 2025 in Nairobi, Kenya, bringing together over 80 attendees comprising persons with disabilities, representatives of organizations of persons with disabilities (OPDs),⁴ civil society representatives, legal experts, and justice actors from across the Africa region.

¹ ICJ, ‘Africa: Persons with disabilities push for inclusive and accessible justice systems,’ 15 May 2025, <https://www.icj.org/africa-persons-with-disabilities-push-for-inclusive-and-accessible-justice-systems/>.

² ICJ, ‘Colombia: the ICJ and partners host workshop on criminal justice and discrimination in Latin America,’ 21 September 2023, <https://www.icj.org/colombia-the-icj-and-partners-host-workshop-on-criminal-justice-and-discrimination-in-latin-america/>.

³ ICJ, ‘Asia: people with disabilities advocate their own rights at ICJ’s first international conference,’ 12 May 2024, <https://www.icj.org/asia-people-with-disabilities-advocate-their-own-rights-at-icjs-first-international-workshop/>.

⁴ The CRPD Committee describes Organizations of persons with disabilities (OPDs) as non-governmental organizations “that are led, directed and governed by persons with disabilities” who should compose a clear majority of their membership. CRPD Committee, General Comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, CRPD/C/GC/7, 9 November 2018, para. 11.

We **affirm** the critical importance of the international law and standards, primarily grounded in the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, as well as the interpretive jurisprudence of the Committee on the Rights of Persons with Disabilities (CRPD Committee); and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (ADP), which are aimed at ensuring the equal enjoyment of human rights by all persons with disabilities.

We **welcome** the steps taken by African Union (AU) Member States to realize the human rights of persons with disabilities through the ratification of, or accession to, the CRPD.

We **call on** all AU Member States to become parties to the ADP and the Optional Protocol to the CRPD, to facilitate a fuller protection of the human rights of persons with disabilities and to strengthen access to justice across the region.

We further **call on** all AU Member States to fully incorporate the provisions of the ADP and the CRPD into their national laws and implement them in practice, and to ensure more generally that their national laws, policies, and practices are compliant with these treaties.

We **urge** the African Commission on Human and Peoples' Rights (ACHPR) and other regional and sub-regional human rights mechanisms to take appropriate steps, within the scope of their respective mandates, to further the implementation of the ADP and other African regional human rights instruments, and to enhance the accessibility of their structures and processes of the AU to persons with disabilities.

We **emphasize** the compelling need for the ACHPR to develop and adopt guidelines that will assist States in incorporating measures for implementing the ADP in their periodic reports, in accordance with Article 34 of the ADP, and in line with its recent resolution 617(LXXXI) of 14 November 2024.⁵

We **affirm** the critical importance of the guidelines developed by the CRPD Committee and the UN Special Rapporteur on the Rights of Persons with Disabilities, including in respect of deprivation of liberty,⁶ deinstitutionalization,⁷ and access to justice.⁸

We **urge** States to report in a timely manner to the CRPD Committee and the ACHPR on measures taken to implement and comply with the CRPD and the ADP, and to include information

⁵ African Commission on Human and Peoples' Rights, Resolution on the Entry into Force and Implementation of the Protocols on the Rights of Older Persons and Persons with Disabilities in Africa, Resolution 617(LXXXI), 14 November 2024, <https://achpr.au.int/en/adopted-resolutions/617-implementation-protocols-rights-rights-olderpersons>.

⁶ Committee on the Rights of Persons with Disabilities (CRPD Committee), 'Guidelines on Article 14 of the CRPD: the Right to Liberty and Security of Persons with Disabilities,' adopted during the Committee's 14th session, held in September 2015.

⁷ CRPD Committee, 'Guidelines on Deinstitutionalization, including in Emergencies,' CRPD/C/5, 10 October 2022.

⁸ Special Rapporteur on the Rights of Persons with Disabilities, 'International Principles and Guidelines on Access to Justice for Persons with Disabilities,' 2020.

on the realization of the human rights of persons with disabilities in their periodic reports to other universal and regional human rights mechanisms.

We further **urge** States to give effect to the recommendations of the CRPD Committee, the ACHPR, and other UN and AU human rights mechanisms.

We **emphasize** the importance of meaningful engagement by governments, and particularly by the judiciary, justice sector institutions, law enforcement agencies, and legislatures with persons with disabilities and OPDs in these efforts.

We **denounce and call for remediation of the** following discriminatory practices, which in many cases are widespread and systematic in the African region:

- Perpetuation of medical and welfare or charity-based models of addressing disability, which bring stigma and further attitudinal barriers to persons with disabilities.
- The continuing use of derogatory and dehumanizing terms to refer to persons with disabilities, particularly in constitutions, legislation, administrative rules and regulations and jurisprudence.
- The widespread failure of States and responsible officials to fully recognize and uphold the legal capacity of persons with disabilities, including their capacity as rights holders and their capacity to act or exercise their human rights.
- The institutionalization of persons with disabilities, particularly those with intellectual and/or psychosocial disabilities.
- The heightened barriers that women and girls with disabilities face in accessing justice, particularly in cases involving exploitation, violence, and abuse.
- The persistent barriers that persons with albinism face in accessing justice, particularly in the context of widespread discrimination, violence and harmful practices.
- The continued use of torturous, cruel, degrading and inhuman practices such as shackling, chaining, tying up, or locking up persons with disabilities, including those with intellectual and/or psychosocial disabilities, across many parts of Africa.
- The frequent exclusion of persons with disabilities from participation in justice proceedings due to partial enforcement and non-compliance with universal design standards for accessing the physical environment, information, and communication.
- The widespread failure to provide procedural, age-appropriate and gender-appropriate accommodation and support for persons with disabilities who interact with justice systems and processes.
- Failures to provide for the identification, collection, and use of disaggregated data on/for persons with disabilities, which undermine efforts to ensure equal access to justice.

A. RECOMMENDATIONS

Considering the systemic and deeply rooted barriers persons with disabilities across Africa continue to face, we call on all African States to take all measures necessary, as mandated under the CRPD and the ADP, with a view to ensuring the rights of persons with disabilities to access justice fully and effectively, and on an equal basis. In particular, we call on responsible State authorities to:

1. Make the ADP and CRPD a core element of national strategies on the human rights of persons with disability, and accordingly:

- a. Ratify or accede to the ADP and the Optional Protocol to the CRPD.
- b. Incorporate the CRPD and the ADP into law and implement them in their policies and practices.
- c. Submit, in a timely manner, periodic reports to the CRPD Committee and integrate the human rights of persons with disability in periodic reports to other UN treaty bodies, taking expeditious measures to implement recommendations of treaty bodies.
- d. In accordance with Article 34 of the ADP, integrate disability rights in the periodic reports to the ACHPR, and take expeditious measures to implement the recommendations issued.
- e. Integrate disability rights in the periodic reports to the African Committee of Experts on the Rights and Welfare of the Child and other sub-regional, regional and universal human rights monitoring mechanisms.
- f. Engage fully with persons with disabilities and OPDs in all domestication, implementation, dissemination, reporting, and follow-up processes.

2. Adopt a human rights-based approach to disability and, to that end:

- a. Undertake a comprehensive review and promptly amend or repeal any legislation containing derogatory, dehumanizing, and discriminatory language against persons with disabilities.
- b. Ensure that all applicable laws and policies recognize persons with disabilities as full rights holders in line with the CRPD and the ADP.
- c. Incorporate a human rights-based approach in all justice sector laws, policies, procedures, and institutional practices.
- d. Implement sustained public awareness measures that promote the human rights of persons with disabilities and directly address the harmful stereotypes and prejudices that serve to undermine the dignity of persons with disabilities.
- e. Train law enforcement and justice personnel, including judges, police, prosecutors, probation officers, prison officials, lawyers, and other justice sector actors on a human rights-based approach to disability, including on the provisions of the CRPD and the ADP.

3. Fully recognize the legal capacity of persons with disabilities, and to that end:

- a. Review, amend or rescind laws and policies that serve to limit, restrict, or deny legal capacity based on disability or perceived “mental incapacity”. This includes repealing guardianship regimes, involuntary institutionalization frameworks, and substituted decision-making laws that mandate others to make legal, financial, or personal decisions on behalf of persons with disabilities.
- b. Repeal laws and abolish practices that allow for the designation of persons with intellectual and/or psychosocial disabilities as “unfit to stand trial” and replace them with laws and procedures that prescribe the provision of procedural, gender- and age-appropriate accommodations and support to enable full and equal participation of persons with disabilities in any legal proceedings.
- c. Establish mechanisms mandated to identify, request, and provide all necessary procedural and gender-appropriate and age-appropriate accommodations to enable persons with disabilities to participate fully and effectively in all legal and judicial processes and proceedings.
- d. Establish and legally recognize supported decision-making regimes that respect the autonomy, will, and preferences of persons with disabilities.
- e. Protect and promote the human rights of persons with disabilities to have full autonomy over decisions related to their bodies, relationships, including sexual and reproductive choices, property, family matters, financial matters, and other aspects of their lives.
- f. Establish and secure the legal capacity of persons with disabilities to make autonomous decisions, including on matters of sexual and reproductive health, free of coercion, force, fraud, discrimination or in any other manner that otherwise violates their right to free and informed decision-making. Repeal all laws criminalizing consensual sexual conduct with persons with disabilities and, in particular, persons with intellectual and/or psychosocial disabilities.⁹
- g. Adopt and implement procedures within the justice system that uphold the inherent legal capacity of persons with disabilities. These procedures should clearly distinguish between mental capacity and legal capacity to ensure that all persons with disabilities can fully and equally participate in legal processes without discrimination, in line with the CRPD and the ADP.
- h. Train legal and justice sector professionals on the normative components of legal capacity and non-discrimination in line with the CRPD and ADP.

⁹ In this context, with due regard to their age, maturity and best interests, and with specific attention to non-discrimination guarantees, the strictures and the enforcement of criminal law should reflect the human rights and the legal capacity of adolescent persons with disabilities under 18 years of age to make decisions about engaging in consensual sexual conduct pursuant to their evolving capacities and progressive autonomy, including through supported decision-making. See the ICJ, ‘The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty’, 2024, available at: https://www.icj.org/wp-content/uploads/2023/03/Principles-Report_English.pdf.

4. End institutionalization of persons with disabilities, including by taking immediate measures to:

- a. Reform, in accordance with the CRPD and the ADP, laws and policies to explicitly prohibit institutionalization, detention or confinement of persons with disabilities based solely on actual or perceived impairment, including eliminating legal provisions that allow detention “at the pleasure” of executive authorities or similar discretionary regimes.
- b. Develop and implement, in accordance with the CRPD Committee’s Guidelines on Deinstitutionalization, comprehensive deinstitutionalization policies and action plans with the full and effective participation of persons with disabilities and their representative organizations.
- c. Train judges, prosecutors, lawyers, police officers, prison officials, and mental health professionals on the human rights of persons with disabilities and include in such training components on: the distinction between legal and mental capacity; the right to free and informed consent; the prohibition of institutionalization based on disability; and alternatives to custodial measures.

5. Develop and strengthen community-based reintegration, care, and support systems for persons with disabilities, and to that end:

- a. Ban shackling, chaining, tying up, or locking up people with disabilities, including those with intellectual and/or psychosocial disabilities.
- b. Abolish coercive practices such as seclusion, restraint, and forced medication.
- c. Establish and promote health services that are rooted in human rights and respect for the person’s autonomy, choices, dignity, and privacy.
- d. Develop and implement national policies and action plans on community-based support systems for persons with disabilities, and:
 - i. Formulate and implement time-bound, fully and adequately budgeted national strategies on community-based services grounded in the principles of autonomy, dignity, and non-discrimination.
 - ii. Ensure that persons with disabilities and OPDs are involved in the development, implementation, and monitoring of such policies, budgets, action plans, and strategies.
- e. Allocate adequate resources to support deinstitutionalization and community based care, as well as community-based support systems and services.
- f. Ensure that persons with disabilities, particularly those with lived experience of institutionalization or marginalization, are fully involved in the development, implementation, and monitoring of all support services.
- g. Develop and implement mechanisms for community reintegration of persons with disabilities, including those leaving institutions, detention, or other forms of segregation, in collaboration with OPDs and community networks, to ensure social inclusion, participation, and access to support services.

6. Recognize and address the multiple and intersectional discrimination and barriers faced by women and girls with disabilities in accessing justice, and to that end:

- a. Acknowledge, in laws and policies, the heightened risks and intersectional discrimination encountered by women and girls with disabilities, especially in cases involving violence, exploitation, and abuse.
- b. Ensure the availability of gender-sensitive and disability-sensitive support services, such as safe houses, psychosocial support, and other protective measures.
- c. Ensure that gender-sensitive and disability-sensitive procedural accommodations, as recognized under the CRPD and ADP, as well as legal aid for women and girls with disabilities, are provided at all stages of legal proceedings, including during police investigations and court hearings.
- d. Provide for accessible and inclusive complaint mechanisms and procedures, especially for cases involving sexual and gender-based violence.
- e. Safeguard the right of women and girls with disabilities to testify and participate in justice processes in a dignified manner and free from intimidation, retaliation, discrimination, and any form of secondary or repeat victimization.
- f. Ensure that customary law and justice systems, where they are operative, are reformed and aligned with international human rights law standards so that they are safe, gender-responsive, and disability-inclusive, thereby facilitating women with disabilities to report violence, exploitation, or abuse.
- g. Promote the participation and full inclusion of women and girls with disabilities and their representative organizations in the design, implementation, and monitoring of justice reforms.
- h. Collect quantitative and qualitative data on the experiences of women and girls with disabilities on how they experience access to justice. This data should be disaggregated into gender, age and disability aspects.

7. Recognize and address the discrimination and multiple barriers faced by persons with albinism in accessing justice, and to that end:

- a. Explicitly prohibit discrimination, violence and other harmful practices against persons with albinism in national laws and policies.
- b. Ensure that justice systems can respond effectively to the specific protection needs of persons with albinism by providing training for justice sector actors – including police, prosecutors, judges and legal aid providers – on the rights of persons with albinism, to combat stigma, eliminate attitudinal barriers, and ensure respectful and non-discriminatory treatment.
- c. Establish accessible and responsive complaint and investigation mechanisms, including community-based reporting channels, victim support services, and protection measures that address the heightened risks faced by persons with albinism.

- d. Provide for access to effective remedies and accountability measures, including by investigating and prosecuting acts of violence and discrimination against persons with albinism and providing access to legal aid and other support services.

8. Provide for full accessibility of the justice system for persons with disabilities by removing environmental, information, and communication barriers and:

- a. Ensure accessible police and court infrastructure, including taking immediate measures to:
 - i. Adapt court and police buildings and adhere to universal design standards in new building designs.
 - ii. Install tactile guide paths and appropriate lighting to support persons with visual impairments, deafblind persons and persons with albinism.
- b. Address communication barriers and, to that end:
 - i. Provide for free communication support, such as sign language interpretation, augmentative and alternative communication tools, and simplified language across all justice settings, including during investigations and hearings.
 - ii. Train and continually upskill sign language interpreters with courtroom language and procedures.
 - iii. Provide court proceedings and legal documentation in alternative accessible formats, including braille, simplified language, and easy-to-read formats.
 - iv. Design, develop and implement disability-friendly websites and information and communication technology (ICT) systems to enhance accessibility and facilitate effective navigation of the justice system for persons with disabilities.
 - v. Ensure that the digitization of justice systems is disability-inclusive by ensuring adherence to accessibility standards for e-filing portals and online proceedings.
- c. Implement inclusive courtroom practices, and to that end, take all necessary measures, including:
 - i. Allow less formal attire as a procedural accommodation during court hearings involving persons with disabilities to foster a more inclusive environment.
 - ii. Allocate extra time in court proceedings for persons who stammer or require alternative communication methods.

9. Ensure the provision and enforcement of procedural, age-appropriate and gender appropriate accommodations and support at all stages of the justice system and:

- a. Integrate procedural accommodations into legal frameworks, including court rules, police protocols, and correctional procedures, and ensure consistent implementation and enforcement.
- b. Incorporate qualified justice intermediaries throughout the justice process and justice system, ensuring their availability wherever needed, including in courts and police stations, and to that end:
 - i. Include positions for qualified intermediaries in staffing plans throughout the justice sector;
 - ii. Allocate sufficient budgetary resources for the recruitment, training and remuneration of justice intermediaries; and
 - iii. Establish standardized systems for the training and accreditation of justice intermediaries.
- c. Conduct early and individualized needs assessments to determine necessary accommodations, including through the provision of access to justice intermediaries, personal assistants and other communication supports, and apply these consistently across all settings, including courts, police stations, and detention centres.
- d. Ensure access to free, qualified, and disability-sensitive legal aid and representation for persons with disabilities throughout all justice processes.
- e. Adopt and implement comprehensive judicial rules and guidelines that promote access to justice, including supported decision-making and procedural accommodations, in direct and full consultation with OPDs.
- f. Establish accessible complaints and redress mechanisms to allow persons with disabilities to report failures to provide or deficiencies in accommodations and receive access to effective remedies and redress.
- g. Provide ongoing training for judges, prosecutors, police officers, probation officers, and legal aid providers on disability rights, procedural accommodations, and inclusive practices.
- h. Establish platforms, such as Community of Practice (COP), as a space for continuous learning and documenting of good practices on access to justice by persons with disabilities.

10. Review, repeal, and amend law provisions that detrimentally affect the human rights of persons with disabilities by discriminating against them, either directly or indirectly, including:

- a. Laws that use derogatory language towards persons with disabilities.
- b. Laws that ban marriages outright or annul marriages based on disability grounds, such as “unsoundness of mind”.
- c. Laws that restrict or limit voting rights based on disability.
- d. Laws that restrict or limit the right to hold any elective or appointed position in the public service based on disability.
- e. Laws that allow for forced sterilization, forced abortion, and non-consensual birth control on disability grounds.
- f. Laws that allow for guardianship and trusteeship or any other form of substituted decision-making on the basis of disability.
- g. Laws that criminalize such petty offenses as “public nuisance,” “squatting,” “vagrancy,” “begging,” and “idleness.”
- h. Other laws that criminalize any other conduct that should not be criminally proscribed either because it involves the legitimate and lawful exercise and enjoyment of human rights, or because the content and scope of the criminal offences in question are otherwise inconsistent with general principles of criminal law.¹⁰

B. CALL TO ACTION

We make this declaration **recognizing this is an opportune time for collective action and solidarity** towards advancing access to justice and effective remedies for persons with disabilities in Africa.

We **aim to facilitate ownership of this declaration** by reaching out to OPDs and their membership at the regional, national, and local levels, and engaging them on access to justice matters.

While the declaration and its recommendations are of universal concern, we affirm that **all public authorities and private entities share the responsibility** to promote and implement them.

We **aspire to collaborate with OPDs as trusted stakeholders** and counterparts through meaningful dialogue and cooperation, aiming for better advocacy outcomes.

We **commit to being guided by the lived realities and experiences of persons with disabilities** to promote their full and effective participation in consultation with their representative organizations.

¹⁰ See, for example, the ICJ’s, “The 8 March Principles for a Human Rights-Based Approach to Criminal Law, *ibid.*

We envision an inclusive and just society where the preconditions for meaningful participation by all persons in justice systems are met, ensuring that persons with disabilities and their representative organizations are meaningfully and actively engaged.

We call on all African States to fully consider this declaration and to galvanize national, regional and global efforts to eliminate barriers to access to justice for persons with disabilities in Africa.

Annex I: Explanatory Note

This annex provides background on the key considerations discussed in the Workshop, which underpin the concerns and recommendations expressed in the Declaration.

1. Stigma and Attitudinal Barriers

Persons with disabilities across Africa continue to face stigma and attitudinal barriers, perpetuated by continued reliance on outdated medical and charity-based models of disability. These discriminatory approaches frame disability primarily as an individual defect or medical condition, rather than a human rights and social inclusion issue.¹¹ This perspective leads justice systems to treat persons with disabilities as objects of care or pity rather than as rights-holders, undermining autonomy and reinforcing marginalization.

2. Discriminatory and Derogatory Language

Constitutions, legislation, and jurisprudence across the region still employ derogatory and dehumanizing terms such as “imbeciles”, “idiots”, “persons with mental disorders”, “persons of unsound mind”, “retarded” or “lunatics”. These terms, particularly in relation to persons with intellectual and/or psychosocial disabilities, are archaic and incompatible with the CRPD and the ADP. Such language reinforces stigma, discrimination and the denial of dignity and the human rights of persons with disabilities.

3. Denial of Legal Capacity

Many legal systems in Africa continue to deny persons with disabilities their right to legal capacity, despite clear guarantees in the CRPD and ADP.¹² Guardianship regimes, substituted decision-making and exclusion from legal proceedings undermine equality before the law and equal protection of the law without discrimination,¹³ and ultimately erode the recognition of persons with disabilities as persons before the law.¹⁴ Persons with intellectual and/or psychosocial disabilities are particularly affected, being excluded from rights such as standing trial, giving evidence, voting, marrying, or managing property. Denying individuals with disabilities their legal

¹¹ CRPD Committee, General Comment No.6 (2018) on equality and non-discrimination, CRPD/C/GC/G, 26 April 2018, §§ 8 and 9.

¹² Article 12 (2) of the CRPD and Article 7 (2) (a) of the ADP.

¹³ ICJ, ‘An Opportune Moment: Realizing the Rights of Persons with Disabilities in Africa: ICJ’s study of nine sub-Saharan African States’ implementation of the Convention on the Rights of Persons with Disabilities,’ May 2025, <https://www.icj.org/wpcontent/uploads/2025/05/An-Opportune-Moment-Realizing-the-Rights-of-Persons-with-Disabilities-in-Africa.pdf>, pp.29-38.

¹⁴ Article 12 (1) of the CRPD, Article 7 (1) of the ADP, Article 16 of the International Covenant on Civil and Political Rights, and Article 3 (1) of the African Charter on Human and Peoples’ Rights.

capacity, based on actual or perceived mental health conditions, constitutes discrimination and violates their right to enjoy legal capacity on an equal basis with others.¹⁵

4. Institutionalization and Deprivation of Liberty

Persons with disabilities, particularly those with intellectual and/or psychosocial disabilities, are often subjected to involuntary institutionalization and indefinite detention. In many criminal justice systems in Africa, “unfit to stand trial” provisions result in detention in mental health institutions or psychiatric facilities, sometimes “at the pleasure” of executive authorities. This practice violates the right to liberty, due process, and freedom from ill-treatment, among other human rights.

5. Women and Girls with Disabilities

Women and girls with disabilities face compounded discrimination in accessing justice and securing effective remedies, particularly in cases of violence, exploitation, and abuse. These barriers are deeply rooted in harmful gender and disability stereotypes, pervasive discrimination, and systemic exclusion. Inaccessible procedures, limited legal information service, lack of procedural and gender-appropriate accommodations, and the discrediting of their testimony create systemic barriers. Other factors, such as poverty, also exacerbate risks and may result in exclusion from the justice system.

6. Persons with Albinism

Persons with albinism face specific risks of violence, harmful practices, and entrenched discrimination. Deep-seated myths and stereotypes fuel marginalization, while justice systems often remain unresponsive, perpetuating impunity and denying effective remedies.

7. Degrading and Inhuman Practices

Torturous, degrading and inhuman practices such as shackling, forced medication, forced institutionalization and electroconvulsive therapy of persons with disabilities persist in parts of Africa. These practices constitute torture or cruel, inhuman or degrading treatment or punishment, violating the rights of persons with disabilities and reflecting deep failures in ensuring access to justice.

8. Accessibility Barriers

Persons with disabilities are systematically excluded from justice systems due to partial enforcement or non-compliance with universal design standards. Inaccessible courts, limited access to legal information, inadequate communication technologies, and a lack of accommodations prevent persons with disabilities from fully and equally participating in justice processes, including as litigants, witnesses, lawyers, or judges. Particularly, for persons who are

¹⁵ CRPD Committee, General Comment No.1 (2014), Article 12: Equal Recognition before the Law, CRPD/C/GC/1, 19 May 2014, § 12-14.

deafblind, the lack of tactile communication methods, alternative formats, and trained support personnel further entrenches their exclusion.

The CRPD and the ADP both emphasize universal design as a key principle for ensuring accessibility. Universal design requires that infrastructure, information, and services be conceived and delivered in ways that are usable by all people, to the greatest extent possible. Embedding universal design within justice systems is therefore essential to dismantle structural barriers and create environments where persons with disabilities can participate equally and independently in all aspects of judicial processes.

9. Lack of Procedural Accommodations

Across African justice systems, procedural and age/gender-appropriate accommodations are inadequate or inconsistently applied. Limited measures taken by judiciaries fail to cover the full range of necessary accommodations and supports, while accommodations are frequently unavailable in police stations, during investigations, and in detention facilities, where critical early interventions are most critical.

10. Data Gaps

While gaps in reliable, disaggregated data on persons with disabilities in justice systems persist, experiences shared during the workshop highlighted promising practices in some African countries. The challenge is therefore not simply the absence of data, but also the need for continual sensitization of government authorities on how to collect, analyze, and disseminate disaggregated data, encourage coordination across State departments, and document and share good practices. Overall, without the effective collection and use of disaggregated data, the accommodations and support services necessary to ensure equal access to justice for persons with disabilities cannot be designed and implemented.

Annex II: Endorsing Partner Organizations of Persons with Disabilities

The following organizations have formally endorsed the *Declaration on the Right to Access to Justice for Persons with Disabilities*, developed under the leadership of the ICJ in collaboration with partner OPDs. Their endorsement reflects a shared commitment to advancing equal access to justice for all persons with disabilities.¹⁶

1. [African Albinism Network](#)
2. [African Disability Forum \(ADF\)](#)
3. [Association of Lawyers with Disabilities in Nigeria \(ALDIN\)](#)
4. Associations of Persons with Disabilities in Malawi (APDM)
5. [Disability Rights Watch \(DRW\)](#)
6. [Luwero District Disabled Women Association \(LUDDWA\)](#)
7. [Mental Health Users Network of Zambia \(MHUNZ\)](#)
8. [TCI Global – Transforming Communities for Inclusion \(TCI\)](#)
9. [United Disabled Persons of Kenya \(UDPK\)](#)

¹⁶ The logos of partner OPDs in this Declaration are arranged solely for design balance and represent equal endorsement and partnership by all listed organizations.

