The Role of Community-Based Rehabilitation and Community-Based Inclusive Development in Facilitating Access to Justice for Persons with Disabilities Globally

*Heather Michelle Aldersey*
School of Rehabilitation Therapy, Queen’s University, Kingston, Canada
Email: hma@queensu.ca
Orcid: https://orcid.org/0000-0001-7763-5934
*Corresponding author

Xiaolin Xu
School of Rehabilitation Therapy, Queen’s University, Kingston, Canada
Orcid: https://orcid.org/0000-0002-0689-4813

Venkatesh Balakrishna
CBR Global Network, India

Maholo Carolyne Sserunkuma
Department of Community and Disability Studies, Kyambogo University, Uganda
Orcid: https://orcid.org/0000-0003-2359-1416

Alaa Sebeh
United Nations Economic and Social Commission for Western Asia (ESCWA)

Zambrano Olmedo
Christian Blind Mission (CBM)

Reshma Parvin Nuri
International Centre for the Advancement of Community-Based Rehabilitation (ICACBR)

Ansha Nega Ahmed
School of Public Health, Addis Ababa University, Ethiopia and School of Rehabilitation Therapy, Queen’s University, Kingston, Canada
Orcid: https://orcid.org/0000-0002-2307-3427

International Journal of DISABILITY AND SOCIAL JUSTICE 3.3  December 2023

DOI:10.13169/intljofdissocjus.3.3.0004
ABSTRACT
Community-based rehabilitation (CBR) is a multi-sectoral strategy that addresses the human rights and inclusion of persons with disabilities. Justice is a core component within the social pillar of the CBR Matrix, however, there is limited understanding of how CBR and Community-Based Inclusive Development (CBID) programs are implementing this component globally. The CBR Global Network and partners facilitated five online dialogues in different regions of the world to understand current practices and the future of the field as it relates to justice, choice, and power in CBR/CBID. Analysis was completed both deductively and inductively, to explore the trends and issues and any similarities or differences in practice across the regions. Participants discussed (i) challenges in policy implementation and law enforcement; (ii) the role of CBR/CBID programs; (iii) the role of family (as both facilitator and barrier to accessing justice); and (iv) engagement of people with disabilities. Findings detail important experiences of the CBR/CBID stakeholders around the globe, and may inform future funding, practice, and advocacy.

KEYWORDS
Community-Based Rehabilitation (CBR), Community-Based Inclusive Development (CBID), disability, justice, Asia, Africa, Arab States, Americas, Pacific, CBR Matrix
vulnerable groups in society become further marginalized and disadvantaged (UNDP, 2005). In a broader sense, access to justice not only refers to access to the formal or informal justice systems, but also includes other elements, such as legal empowerment, procedural fairness, and access to legal aid and counsel (Durojaye, Mirugi-Mukundi, and Adeniyi, 2020; White, Johnson, and Bornman, 2021a). Article 13 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) states the right of equal access to justice for persons with disabilities and requires States Parties to provide procedural and age-appropriate accommodations to support the participation of persons with disabilities in all legal proceedings (United Nations, 2006). The CRPD shifts away from a medical approach to disability that treats persons with disabilities as passive objects of medical treatment and charity (United Nations, 2014). Instead, it views persons with disabilities as holders of rights, “who are capable of making decisions and being active members of society” (United Nations, 2014, 46) and gives responsibilities to the State and others to respect and protect the rights of persons with disabilities. Further, Goal 16 of the 2030 Agenda for Sustainable Development calls for promotion of the rule of law and ensuring equal access to justice for all. Despite this global priority and specific obligations related to persons with disabilities, relatively few studies have explored concrete, community-embedded practices that enable access to justice for people with disabilities around the world.

Community-Based Rehabilitation (CBR) is a strategy for community development that aims to enhance the lives of people with disabilities in the community. It was endorsed by the World Health Organization and other international organizations, such as the International Labour Organization, as a strategy to provide rehabilitation for people with disabilities in resource-constrained settings and as part of the broader goal of reaching “Health for All by the Year 2000” (WHO, 1982; WHO, 2010). Although the concept of CBR was introduced in the late 1970s (Finkenflügel, 2004; WHO, 1982), the real move forward for CBR came with the distribution of the manual Training Disabled People in the Community (Helander, Padmani, and Gunnel, 1980; Finkenflügel, Wolffers, and Huijsman, 2005). CBR has evolved over the years into a multi-sectoral approach that strives for the equalization of opportunities and social inclusion of people with disabilities in health, education, livelihood, and social sectors (WHO, 2010). Justice is embedded as a core component within the CBR Matrix (CBR’s guiding implementation framework) (WHO, 2010). CBR programs can “undertake a variety of activities, often in partnership with disabled people’s organizations and other civil society stakeholders, to support people with disabilities in gaining access to justice” (WHO, 2010, Justice, para. 20). Suggested activities for CBR programs include but are not limited to identifying available formal and informal resources to help persons with disabilities understand laws and access justice, developing alliances with stakeholders to cope with injustice experienced by persons with disabilities, promoting awareness on disability rights in

1. We have chosen to use person-first language throughout the manuscript in line with the UN CRPD (United Nations, 2006).
community sectors, supporting access to informal methods of justice, and supporting legal processes where appropriate (WHO, 2010). It is therefore pertinent to seek understanding of concrete operationalization of access to justice for persons with disabilities within the context of CBR implementation.

In some regions over the past 30 years, CBR has changed from a strategy that offers rehabilitation and disability services in the community to one which incorporates and emphasizes approaches to support Community-Based Inclusive Development (CBID). In fact, the goal of CBR is to facilitate CBID by, for and with persons with disabilities and their communities (United Nations, 2013). CBID has a broadened scope which goes beyond primarily targeting and supporting persons with disabilities and their families to focusing on governance structures, disability-inclusive programming and mainstreaming disability in public services.

1.2 Literature Review
Despite the protection under the CRPD, people with disabilities, as a marginalized group in society, still face many challenges in accessing justice in many countries (Ashagre, 2020; Flynn and Lawson, 2013; Kremte, 2019; Nkhata, 2020; White, Johnson, and Bornman, 2021a). Barriers that hinder access to justice for persons with disabilities mainly include a lack of physical access to justice institutions, communication and information barriers, attitudinal barriers, financial barriers, and inadequate training of judges and support staff (Ashagre, 2020; Flynn and Lawson, 2013; Kremte, 2019; Lumsden and Black, 2022; Malunga, Kanyongolo, and Mbane-Mweso, 2017; Nkhata, 2020). Physical accessibility issues include a lack of appropriate ramps and handrails for wheelchair users, a shortage of elevators in buildings, inadequate lights, inaccessible courtrooms, a lack of accessible parking areas and signs, and no special floor surfaces to guide people with visual disabilities (Ashagre, 2020; Kremte, 2019). Communication and information barriers include a lack of sign language interpreters, Braille services, and easy-to-understand legal information in accessible formats (Ashagre, 2020; Kremte, 2019; Lumsden and Black, 2022).

Beyond these, access to justice for persons with disabilities can also be impeded by inadequate training of judges and support staff and attitudinal problems. For example, an Ethiopian study indicated that an absence of training of judges and support staff led to attitudinal problems toward persons with disabilities and indifference to the accommodation needs of persons with disabilities (Ashagre, 2020). In addition, persons with disabilities can be prevented from accessing justice due to financial barriers, given systematic disadvantages in employment, disproportionate levels of poverty among persons with disabilities, and high court and attorney fees (Ashagre, 2020; Kremte, 2019).

The barriers encountered by persons with disabilities tend to vary based on intersectional identities and the types of impairments (Flynn and Lawson, 2013). Women with disabilities are more often victims of crime, and they face significant challenges in accessing justice and protection (McCulloch et al., 2021; McGowan and Elliott, 2019; Wulandari, 2018). Indeed, Wulandari (2018) found that women with disabilities were often not...
provided with the support or accommodations they needed in legal proceedings and tended to be intimated by criminals and law enforcers. An Australian study indicated that women with disabilities were treated with indifference and distrust after reporting their experiences of violence and harassment by neighbors and community members (McGowan and Elliott, 2019). Police inaction and limited access to justice put women with disabilities at greater risk of ongoing violence and abuse (McGowan and Elliott, 2019). The justice needs of women with disabilities are often related to being able to “leave a situation of danger, retain custody of children, have access to appropriate care and advocacy services and gain a sense of safety or, in some cases, simply survive” (McCulloch et al., 2021, 12). Age may also impact access to justice. For example, Malunga, Kanyongolo, and Mhano-Mweso (2017) identified communication challenges, lack of legal information and support for their participation in court proceedings, and absence of legal professionals trained in working with children with disabilities as barriers to accessing justice for children with disabilities. Individuals with learning disabilities, autism, or mental health conditions accused of a crime are generally disadvantaged by the criminal justice system because their disability-related needs are often not recognized or accommodated (Gormley and Watson, 2021). There is a lack of support to help them understand court proceedings and documents (Gormley and Watson, 2021). Questions around the lack of decision-making capacity is also a major challenge for persons with psychosocial disabilities (Onuora-Oguno, 2018).

To ensure effective access to justice for persons with disabilities, previous studies suggested governments take legislative and administrative measures and other initiatives, such as having specific legislation on court accommodations for people with disabilities, supporting programs that promote public awareness of the CRPD, and conducting a disability-rights-focused audit of the existing laws, to fulfill their obligations under Article 13 of the United Nations CRPD (Ashagre, 2020; Kremte, 2019; Nkhata, 2020; White, Johnson, and Bornman, 2021a). Domesticating the CRPD is essential as the CRPD needs to be implemented by “a domestic legislation which contains detailed provisions concerning access to justice” in legal proceedings to fully realize access to justice for persons with disabilities (Ashagre, 2020, p. 17). Other recommendations for improving access to justice for people with disabilities include integrating modern communication technologies in courtrooms to accommodate the needs of persons with disabilities and providing online court services (Ashagre, 2020; Sourdin, Li, and McNamara, 2020), as well as providing disability awareness training for judicial officers, legal practitioners, and clerical staff (Beckene, Forrester-Jones, and Murphy, 2020; Nkhata, 2020; White, Johnson, and Bornman, 2021a).

As one of the elements of the CBR Matrix, justice has not been given adequate attention in research or practice. To date, a paucity of studies have discussed the role and effectiveness of the CBR programs in supporting persons with disabilities to access justice. Van Pletzen, Booyens, and Lorenzo (2014) examined the support that community-based disability workers (CDWs) provided across the domains of the CBR Matrix in the rural communities of Botswana, Malawi, and South Africa.
They articulated a support gap related to justice, in that “CDWs did not present evidence of directly targeting the inclusion of disabled people in the justice system, either by engaging in legal processes enforcing their rights, or by assisting them to engage in such processes themselves” (van Pletzen, Booyens, and Lorenzo, 2014, p. 1536). Given the existing barriers that prevent persons with disabilities from accessing justice and the limited understanding of the support and assistance from CBR/CBID programs, this study aims to explore the practices and strategies of CBR/CBID for facilitating access to justice for persons with disabilities around the world.

2. Methods
The CBR Global Network (link: https://cbrglobalnetwork.wordpress.com/) and its partners held five two-hour, online dialogues across five different regions of the world that currently practice CBR/CBID: Africa, the Americas, Asia, the Pacific, and the Arab regions. Although the Arab region does not have a formally established CBR/CBID network, they were in the process of establishing one at the time of these dialogues. Each region held a virtual dialogue using the Zoom platform for their constituents, on days and times most convenient to each region. The dialogue topic and guiding questions were consistent across all five regions and were identified and refined with regional network contributions. Below are the specific questions for discussion that were addressed in each dialogue.

1. Give examples from your CBR program of how persons with disabilities are able to access justice in the formal sense (through the legal system)?
   Please give examples from your CBR program of how persons with disabilities are not able to access justice in the formal sense. What kinds of changes and innovations are needed in relation to access to justice that are CRPD compliant?

2. a) Share situations of persons with disabilities who feel that they are treated justly in an informal (community) sense. b) Share situations of persons with disabilities who feel that they are not treated justly in an informal (community) sense.

3. State the factors that contribute to an environment where persons with disabilities can make choices in their day-to-day lives. (Examples from different settings like family, work place.)

4. Please state what role the person with disability, family, community and government need to play to enable persons with disabilities to make choices in everyday life.

5. Please give examples of how power is played out: a) between persons with disabilities and their families and b) between persons with disabilities and communities. How can power be more equally distributed in communities?

6. In the last two years, what changes have you seen in collaboration across sectors (such as health, education, and employment), levels of government
and involving a broad range of stakeholders including persons with disabilities and their organizations.

Please share to what extent persons with disabilities and their organizations actively participate in your work and what difference their contribution has made to the quality of your CBR program.

The dialogues were open to the public and were advertised to all CBR practitioners and leaders through each regional network and social media. Participants were required to register in advance of the dialogue, and in registration they provided demographic information. Each dialogue had a facilitator or two co-facilitators, notetakers, as well as several operational and technological support persons. The Arab regional dialogue took place in Arabic and was transcribed and translated into English afterward. The Americas regional dialogue took place in Spanish with simultaneous professional translation to English, transcripts were prepared from the English translation channel. The Africa regional dialogue took place in English with simultaneous French, Arabic, and Portuguese translations. Both the Asian and Pacific region dialogues were held in English. English transcripts were prepared for all of these dialogues. All of the regions also had simultaneous live captioning, as well as local sign language interpreters as needed. Although there were slight differences across regions, in general, the 2-hour dialogues were conducted with the following format: (a) Welcome and introduction to the theme “justice, choice, and power” (10 minutes); (b) Discussion of theme questions in small breakout rooms (1 hour); (c) Individual group report-backs to the main session (45 minutes); and (d) Closing, session wrap-up (5 minutes). Participants were informed at the start of each session that their responses would be documented and recorded and would factor into an overall analysis and future publications and presentations relative to the topic.

We obtained ethical clearance from the Queen’s University Health Sciences Research Ethics Board prior to the beginning of the dialogues. Following the completion of the dialogues, we organized all documents (notes taken during the session, Zoom chat logs, session verbatim transcripts) into NVivo12 software. To guide the analysis, we sought to answer the following questions: (a) What trends and issues were presented during the dialogue related to the topic of justice, choice and power for persons with disabilities? (b) What similarities and differences in CBR/CBID practice emerge across contexts (e.g., the various regions)?; and (c) What are the potential future directions in CBR/CBID practice based on these global dialogues? We completed content analysis both deductively and inductively. In deductive analysis, data are charted into themes/categories on the basis of previous knowledge, whereas in inductive analysis, themes/categories are derived from the data (Elo and Kyngäs, 2008; Graneheim, Lindgren, and Lundman, 2017). Using a deductive approach, we first developed a categorization matrix which was used as a lens to analyze the text. We then read data, highlighted relevant data, and grouped them into relevant categories in the matrix. Although
we used pre-established codes to begin the analysis, following an inductive approach, we also read the transcript with an open mind and coded any content that was relevant to our research questions but fell outside of the deductive codes first established. We also searched for commonalities across the regions, as well as aspects that might have been specific to regions.

3. Results
In total, 191 people participated in the dialogues (90F, 91M, 10 Other/Not Specified). Of this number, 46 participants self-identified as persons with disabilities (30 physical; 9 visual; 4 hearing; 2 deafblind; 1 psychosocial impairments). Online dialogues were less attended in the Asia and Pacific regions, and highly attended in the Africa region. Table 1 provides additional participant information.

Table 1  Participant Demographics

<table>
<thead>
<tr>
<th>Region</th>
<th>Participants</th>
<th>Persons with Disability</th>
<th>Type of Organization</th>
<th>Countries Represented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>99 (34 F, 57 M) 8 unknown</td>
<td>24 physical 3 hearing 7 visual 2 deaf-blind</td>
<td>10 disability professional discipline 27 CSO 6 academic institution 21 OPD 8 government institution</td>
<td>Malawi, Egypt, Mozambique, Namibia, South Africa, Italy, Zambia, Ethiopia, Uganda, Togo, Kenya, Rwanda, Ghana, Morocco, Cameroon, Niger, Nigeria</td>
</tr>
<tr>
<td>Americas</td>
<td>42 (27 F, 13 M, 2 O)</td>
<td>8 (1 visual, 1 hearing, 5 physical, 1 psychosocial)</td>
<td>9 OPD 11 NGO 12 government 10 community organization</td>
<td>Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, St. Kitts and Nevis</td>
</tr>
<tr>
<td>Arab</td>
<td>27 (15 F, 10 M, 2 MD)</td>
<td>1 (visual); 15 NGO, 3 government 8 missing data</td>
<td>1 community organization 1 disability professional discipline 1 foundation / donor</td>
<td>Egypt, Jordan, Libya, Palestine, Morocco</td>
</tr>
<tr>
<td>Asia</td>
<td>3 (1 F, 2 M)</td>
<td>1 (physical);</td>
<td>6 OPD 2 government 1 community organization 1 consultant</td>
<td>Bangladesh, Philippines</td>
</tr>
<tr>
<td>Pacific</td>
<td>20 (13 F, 7 M)</td>
<td>8 (2 sensory, 3 physical, 1 visual, 2 multiple)</td>
<td>6 OPD 2 government 1 community organization 1 consultant</td>
<td>Australia, Cook Islands, Fiji, Marshall Islands, Solomon Islands, Vanuatu</td>
</tr>
</tbody>
</table>
Conversations related to the topic of justice, choice, and power in the context of CBR/CBID primarily related to (i) challenges in policy implementation and law enforcement; (ii) the role of CBR/CBID programs; (iii) the role of family (as both facilitator and barrier to accessing justice); and (iv) engagement of people with disabilities.

3.1 Challenges in Policy Implementation and Law Enforcement
Participants in all regions communicated the sentiment that many countries have strong laws and public policy; however, countries have yet to actualize them in reality. Participants offered a range of reasons why policy was not translating into practice. These included attitudinal and cultural barriers, whereby community members (e.g., teachers or principals) did not know about legislation or did not adhere to it (e.g., denying inclusive education to a child with a disability). Participants also noted that inaccessibility contributed to challenges for persons with disabilities to access rights as enshrined in national and international legislation. This could be physical accessibility (e.g., inaccessible courthouses or polling stations), financial inaccessibility (e.g., not having the money available to pay for lawyers) and communication accessibility (e.g., not having deaf interpreters at the police station).

I’m an occupational therapist from Chile, and in our group we had persons from Mexico, El Salvador, Colombia, and different places. Yes. And our reality is that most of the countries have a legal framework that seeks equality and protecting rights. But there is a gap between those laws and the carrying out of those laws, the implementation. Persons with disabilities have to face great attitudinal barriers. Architectural barriers as well as legal barriers that cause them to have lots of problems in terms of access to justice (Americas).

Sign language interpretation becomes an issue, some judges in Bangladesh, they allow the interpreters to work there, but then the interpreter comes with formal interpretation […] formal sign language interpretation, but the victim, they do not know the formal sign language, they’re using indigenous signs (Asia).

Some of the dialogues addressed intersectional and cross-cutting challenges. For example, participants mentioned challenges in accessing justice due to gender. In particular, women and girls being more subject to crimes, such as domestic violence, rape, or sexual abuse. Gender was also raised as it related to power and family decisions around the provision of support (boys getting more support, as opposed to girls), as well as it related to decision-making, with women and girls less likely to be empowered to make their own choices.

I know that is one of the factors that contribute to inequality of persons with disabilities, especially women with disabilities, where family members, caregivers take full control in making decisions on family members with disabilities instead of giving them the opportunities to make their own choices (Pacific).
In addition to gender, different administrative systems are challenging when navigating rural/urban divides as it relates to access to justice. This related to who was the decision-maker or authority. This was a problem specifically in the Arab context, where participants indicated the authority and decision makers in rural areas are mayors and sheikhs in customary and informal courts. In the Pacific region, there were also issues related to who held land also held power, and often people with disabilities were not landholders. The Pacific region also noted that accessibility and availability of support for persons with disabilities decreased as one moved from urban to rural environments. This region also noted the challenge of small or rural communities when attempting to access justice.

As you go down to these rural settings, mostly they are all interrelated. As a person with disability, they can report the police on violation; often, that police officer is related to somebody else within the community (Pacific).

### 3.2 Role of CBR/CBID Programs

Within this theme, participants shared what their CBR/CBID programs were doing and what could be included in CBR programs. Participants shared a range of strategies that CBR/CBID programs and their communities were implementing to promote access to justice. These included raising awareness, advocacy, legal aid, peer support, and service coordination. The most commonly-mentioned strategy across all of the regions was the need for education and awareness-raising of persons with disabilities and their families.

It is important to reinforce the capacity of persons with disability and organizations to have the information about the process regarding the justice system so they can know how, where to start, and where to go, and who can help them with the justice system (Africa).

One participant emphasized that awareness-raising doesn’t need to wait until a person is an adult. Rather, their organization was teaching children about indicators of abuse and what they should do about it. To a lesser extent, some participants noted that awareness-raising also needed to happen in the community – particularly within the legal system (e.g., lawyers, police officers) about persons with disabilities and their rights.

Another thing is that the same people who are charged with responsibility and who are supposed to help people with disabilities and their families, by connecting them with justice system. Unfortunately, they have weak awareness of disability issues, and how do they deal with people with disabilities and what are their needs? You will find the same people, if they were lucky enough to reach there, they will not find a person who understands them (Arab).

CBR/CBID programs across the regions identified a range of awareness-raising activities they already implemented. For example, a participant from the Pacific
region shared an action their organization was taking to raise awareness in the community.

*We are, again, looking forward to participate in a prosecutors’ conference in order to inform the prosecutors as to how they should handle and use the right languages when they deal with disabilities in terms of courts and in terms of suspect arrest* (Pacific).

Beyond advocacy and awareness, CBR/CBID programs across the network are implementing legal aid programs to provide support to people with disabilities and their families to access the justice system. This often involved connecting persons with disabilities to lawyers, who would provide legal services for both adults and children free of charge. Another strategy mentioned by the regions was coordination of services directly working with persons with disabilities (e.g., education, health, social workers). The Pacific region, Americas, and Arab region also mentioned the importance of coordination of various national ministries (e.g., Ministry of Justice, Ministry of Health, Ministry of the Interior, Ministry of Social Affairs) to ensure adequate implementation of rights and justice for persons with disabilities.

Participants also discussed a number of activities that could be introduced in CBR activities to facilitate access to justice services for persons with disabilities. For instance, a participant from the Arab region also noted that there needs to be improved information-gathering, so that governments understand baseline numbers of persons with disabilities, type of disabilities, geographic distribution, and key priorities. This would then shape concrete budget allocations geared toward policy implementation, which was a key strategy for enabling access to justice that was mentioned across a number of the regions. Participants also noted that there should be improved monitoring and accountability mechanisms for policy to further enable justice for persons with disabilities.

### 3.3 The Role of Family and Community (Facilitator and Barrier)

Across the regions, participants discussed family and community as both allies and obstacles in access to justice for persons with disabilities. First, participants noted that families are the first place for inclusion and can empower persons with disabilities from a very young age, to help them understand their rights and advocate for justice. A participant in Asia noted that an important responsibility of the family is to build the confidence of a person with a disability so that when they are out in the community and told they cannot do something, they might have the self-confidence to do it. Additionally, one participant shared an experience of a person in Panama:

*The family was the first group that included and didn’t make a distinction between sibling with disability and sibling without disability. And that’s where she learned that she had to struggle to be able to achieve inclusion in society as well* (Americas).

Participants indicated that family could be important to support motivation, self-confidence, and decision-making abilities in persons with disabilities. In the Pacific region, participants also discussed the value of family as it relates to providing
an important social safety net, but also identified the challenges that families can bring:

The culture within the Pacific region, we all agreed that it is both positive and negative. Within the Pacific region, in terms of the Pacific culture or extended family settings often is put in place as a safety net, and within this safety net, there are persons with disabilities who benefit from these safety net systems, in terms of their voices are heard, they’re engaged, they are protected, they’re included. At the same time, the safety nets in terms of either overprotectiveness violates then the person’s rights so that they’re not allowed to be independent […] so much so that even a person with a disability can be told by families, “How is it that you can get married? How it is that you want to have your own family? We already looking after you, you can’t look after yourself” (Pacific).

Similarly, a participant in the Arab region shared that due to culture and stigma, a family might inhibit persons with disabilities from achieving justice (for example, concealing rather than prosecuting sexual assault of a child with a disability to “save face” for the family).

A major point of discussion related to the issue of guardianship, power, and decision-making. Families could be seen as being an impediment to justice when they overprotected their family member with disabilities or did not provide sufficient options or support to the person with the disability to enable them to make the right decisions for their lives.

Families often want to speak for or make choices for their relatives with disabilities or make even decisions. So in a way, persons with disabilities find themselves without choice or not able to exercise self-determination (Africa).

3.4 Engagement of People with Disabilities

Across all dialogues on the topic, participants highlighted the participation of persons with disabilities as a critical mechanism for achieving access to justice. A major strategy discussed by a number of the regions included engagement of peer support mechanisms and organizations of persons with disabilities (OPDs) to support access to justice. This included persons with disabilities themselves, as well as mothers of children with disabilities, helping others to understand their rights and navigate within the justice system.

As OPDs are actually working with the person with disabilities very closely, they know what are the actual barriers and what they need to do to overcome the barriers. So involving the OPDs could be the highest success or highest possible success from the field; I think OPDs is the major group to do the functional changes for the development of persons with disabilities’ life (Asia).

Participants also discussed that there are rights and responsibilities of persons with disabilities, and the idea of “good citizenship” in promoting access to justice for themselves and for others with disabilities. This came through a number of times when participants spoke about persons with disabilities and their families self-organizing and providing peer support to others.
There must also be a kind of balance between duties and rights for persons with disabilities. Good citizenship. A person with a disability must feel that he is a citizen who has rights and duties, so that he does not turn into a burden. Because I always say our duties as a society are to remove possible barriers for a person with a disability so that he moves on to become a productive person (Arab).

The Pacific region identified that often organizations of persons with disabilities offer support systems for people with disabilities that are much higher than what is given in national or division governments. One additional way that participants discussed the importance of participation of individuals with disabilities was related to their ability to make decisions and hold power.

We spoke a lot about issues of self-representation. Members were sharing that persons with disabilities are very much represented in some of their countries. For instance, in Uganda and some other countries, people with disabilities are represented in parliament and on different councils, national councils or local councils in the villages. But the issue remains implementation and the representatives knowing their role and responsibility on the councils (Africa).

Participants believed that persons with disabilities and family members of persons with disabilities must hold positions of authority, such as members of boards of trustees in schools, government ministers, and boards of directors. There was a strong consensus that people with disabilities and their organizations know the needs best and are best positioned to raise awareness, advocate, and make decisions to influence access to justice. A number noted the importance of having persons with disabilities in places of power (e.g., in the role of Minister) as they would be better able to understand the issues and more likely to allocate power and resources to make real change.

4. Discussion
This study summarizes the conversations held in the 2021 CBR/CBID Global Dialogues, organized by the CBR Global Network and partners, on justice, choice, and power. Discussions focused on challenges in policy implementation and law enforcement, the role of CBR programs, the role of family and community, and the critical importance of the engagement of persons with disabilities.

4.1 Policy Implementation Strategies
This study revealed policy implementation as a major challenge for ensuring access to justice for persons with disabilities. One key policy implementation strategy suggested by participants was to raise awareness about disability among persons with disabilities themselves and within the legal system. Literature similarly highlights the importance of offering legal literacy and legal empowerment training to persons with disabilities so that they could have adequate knowledge and information to assert their rights and seek redress when violations occur (Durojaye, Mirugi-Mukundi, and Adeniyi, 2020; Kremte, 2019). Literature also suggests providing disability-rights training for all justice system actors and integrating systematic training in disability
rights into the curricula in law schools (Nkhata, 2020). This is particularly important because professionals’ limited knowledge and understanding of disability often impede their ability to provide the necessary support to address the needs of persons with disabilities in legal systems (Owusu et al., 2022). The present study showed that CBR/CBID programs across the regions conducted a range of activities to increase awareness of the rights of persons with disabilities and implemented legal aid programs to provide support for persons with disabilities. A study by Onuora-Oguno (2018) highlighted the importance of law clinics in enhancing access to justice and indicated a need to enhance knowledge and motivation to apply international law in the law clinics located in law schools in Nigeria. The study suggested the law clinics be repositioned to improve legal practitioners’ knowledge of disability laws, strengthen judicial institutions and legal education, and boost the motivation of students and coordinators of the law clinics. CBR/CBID programs around the world might seek to increase connections to law offices and legal practitioners in the community to understand how they might work together to bolster legal literacy and access to justice for persons with disabilities in the community. CBR programs can also advocate for the government to allocate sufficient funds to ensure effective service provisions for persons with disabilities in the justice system.

4.2 Accessibility is Key to Improving Access to Justice

In line with a previous study (Owusu et al., 2022), we found that accessibility was a barrier for persons with disabilities to access justice. An inaccessible environment not only makes it difficult for persons with disabilities to navigate their physical surroundings, but also creates financial constraints that further impede access to the judicial process (Owusu et al., 2022). For instance, Owusu and colleagues (2022) found that people with disabilities in South Africa sometimes had to hire people to assist them with mobility, and this expenditure added up quickly when they had to visit the court multiple times. This additional cost sometimes prevented them from accessing legal services. Therefore, the government across all regions must ensure that the built environment associated with the legal system is accessible for persons with disabilities to facilitate their access to justice.

In addition to physical accessibility, we also found that communication accessibility was a barrier for many individuals with disabilities in accessing justice. Literature also shows that people with speech impairments often encounter challenges in reporting crime, being accused of a crime or being a witness in court due to the paucity of appropriate support in the justice system (Groce, London, and Stein, 2014; Gulati et al., 2020; Owusu et al., 2022). Although sign language interpretation is available in some court/justice system, this support may not be helpful if the person with speech impairment does not have sufficient knowledge of sign language or have other challenges (e.g., cognitive impairment) that challenge their ability to communicate information. It is crucial to recognize that all persons with communication difficulties are not homogenous and therefore the availability of a sign language interpreter is not enough to facilitate access to justice for persons with
communication difficulties. The justice system needs to ensure that a range of communication methods/supports are available to cater to the needs of people with communication difficulties. It is also essential to ensure that persons with disabilities’ access to communication services in judicial systems is affordable. Hence, the CBR/CBID programs can advocate for that with the input from people with disabilities. They can also disseminate information among people with disabilities about where to go to get an interpreter at an affordable cost.

4.3 Gender and Justice Access
Participants of the CBR/CBID dialogues addressed specific challenges of accessing justice faced by women and girls with disabilities, including women and girls being more subject to domestic violence and sexual abuse, receiving less support from family, and having less chance to make their own choices compared to their male counterparts. The literature shows that women with disabilities are at high risk of experiencing violence and face many barriers to accessing justice (Budu-Ainooson et al., 2020). One of the main barriers to women’s access to justice identified in the literature is the social stigma (Budu-Ainooson et al., 2020; McCulloch et al., 2021; Meer and Combrinck, 2015). Women with intellectual disabilities, often a highly stigmatized group, are more likely to be targeted for violence, but less likely to report the repeated violence and abuse they suffer (Meer and Combrinck, 2015). They tend to internalize the negative social perceptions of them and not believe they deserve help (Meer and Combrinck, 2015). The literature reveals other factors preventing women with disabilities from disclosing violence and abuse, such as fear of revenge from perpetrators, fear of losing children, financial reasons, and a lack of awareness of support services (Budu-Ainooson et al., 2020). Besides these disability-specific challenges, there are numerous of stumbling blocks that deter women’s access to justice. For instance, women in many patriarchal societies feel shy in approaching the court to seek justice because of gender stereotypes and gender subordination. Further, they are primarily involved in unpaid household activities, making them financially dependent on their spouse or male family members, which impedes their ability to seek justice (Tyagi and Tyagi, 2021). In many contexts, Nepal, for example, women with disabilities simply do not have the freedom to go outside of their houses to seek support services. They need permission from their husband or family members, which deter them from accessing justice (Puri, Misra, and Hawkes, 2015). Therefore, CBR programs could pay particular attention to promoting women’s empowerment through policy change, education, and gender awareness. Specifically, access to education for women is key to empowerment as it increases one’s chances to participate in employment which could provide financial freedom, positive self-image, and self-confidence. Education also supports one’s ability to think critically, foster decision-making, and act (Tyagi and Tyagi, 2021). Additionally, a gender-sensitive approach is essential in policy formation, budget allocation, judicial activities, and community development efforts. Further, representation of women with disabilities is needed in the decision-making processes and
in positions of power in judicial offices. CBR/CBID funders and implementers increasingly understand the importance of taking a gender-sensitive lens in CBR/CBID programming. To promote access to justice and social protection mechanisms targeted specifically for women and girls within CBR/CBID programming would directly respond to needs and be in keeping with a gender-informed approach.

4.4 Rural and Urban Divides in Justice Access

This study revealed the urban–rural divide in justice access for persons with disabilities. Participants reported the uneven support for persons with disabilities between urban and rural areas and the factors posing challenges to access to justice in rural areas, such as more centralized power and control and more overlapping social relationships in rural areas. Samararatne and Soldatic (2015) reported the additional economic and social barriers to accessing justice associated with living in rural areas of Sri Lanka. Their study pointed out that poverty and legal illiteracy were major challenges for rural women with disabilities and that “the combination of having a disability, being a woman and living in a rural area created a legal vacuum for these women, in that they were unable to access the law and legal systems” (Samararatne and Soldatic, 2015, p. 769). A study by Skinnider and Montgomery (2017) reported that the challenges for women’s access to justice in rural areas were multifaceted. From the supply side of justice, there were limited legal professionals, justice infrastructure, and legal services in rural areas; from the demand side of justice, there were issues related to geographic and social isolation, limited legal awareness and legal literacy, direct and indirect costs of accessing justice services, and language and cultural obstacles (Skinnider and Montgomery, 2017). The United Nations (2016) indicated that informal systems of justice, which are widely used in rural areas globally, have both advantages and disadvantages. On the one hand, there may be concerns regarding compliance with international standards in some cases; on the other hand, informal systems of justice in rural areas may reduce the need for travel, involve less corruption and discrimination, and build a culturally accessible environment for persons with disabilities (United Nations, 2016).

During the pandemic, in many countries, judicial activities moved from traditional court processes to online modes using technologies. Innovative approaches such as video conference or teleconference were useful in increasing access to justice during global crises (Sourdin, Li, and McNamara, 2020; Viglione, Peck, and Frazier, 2022). A similar approach could be considered in addressing supply issues of legal services in rural areas and creating more accessible justice systems for persons with disabilities. However, before adopting that approach, measures should be in place to address security and privacy concerns associated with web-based communications. CBR programs could support, judicial systems in rural areas to be equipped with resources, including smart technologies, skilled manpower and uninterrupted internet facilities to better enable access to justice for persons with disabilities. More studies are required to explore the impact of the urban–rural divide on access to justice issues and how CBR/CBID programs, which are often
focused on bringing services to the most rural and hard-to-reach areas, can support the needs of persons with disabilities, particularly in remote areas.

4.5 Family As Barrier and Facilitator in Accessing Justice for Persons With Disabilities

Family could be a double-edged sword for access to justice for persons with disabilities. Participants reported that family played an essential role in building the self-confidence of persons with disabilities from an early age and providing a social safety net where persons with disabilities feel included and valued. However, the over-protection of family members with disabilities would deprive individuals with disabilities of their independence and the opportunity to make their own decisions. Overprotection hinders persons with disabilities from developing their abilities and skills and leads to continued dependence on the family (Callus et al., 2019). In addition, parents’ attitudes about decision-making can affect their children’s decision-making opportunities and skills (Shogren et al., 2017). Persons with intellectual disabilities are often given limited chances to make their own decisions as their parents perceive them as lacking complex decision-making skills, being immature, and easily being taken advantage of by others (Saaltink et al., 2012). It is of great importance for parents to seek a balance between protecting their children from harm and encouraging independence and autonomy (Taylor, Cobigo, and Ouellette-Kunt, 2019), and CBR programs could support them to find that balance. Regarding guardianship, Flynn and Lawson (2013) pointed out that “all powers to enter into legal acts” and “all ability to engage with the legal system” may be transferred from a person with mental or intellectual disability to a guardian, which prevents a person with mental or intellectual disability from filing a justice claim to remove or change their guardian (p. 10). Our study highlights the need to support family members with disabilities to make autonomous decisions and assert their legal rights.

Moreover, the CBR/CBID dialogues highlighted gender discrimination in the family context on matters related to access to justice. For example, this study reported unequal provision of support for boys and girls due to gender bias and family members taking control in making decisions for women and girls with disabilities. Our findings highlight the vital role that the family can play in eliminating gender bias and ensuring equal access to justice for women and girls, and a need to enhance legal knowledge for women and girls with disabilities and empower them to make informed decisions. CBR/CBID programs addressing access to justice within the family should ensure that they are undertaking interventions that are gender-informed and seek to address silencing and marginalization that women and girls may face within the family system as it relates to accessing justice. Peer support may be one such approach to apply within the family context, as Kumaran (2011) indicated that persons with disabilities in India who are often overprotected by their family members and have limited exposure to the outside world have been empowered, enabled and more aware of their rights as a result of peer support programming (Kumaran, 2011).
4.6 Peer Support as a Mechanism to Improve Access to Justice

Peer support was identified by CBR/CBID dialogue participants as a critical strategy for increasing the engagement of persons with disabilities in advocacy and improving access to justice for persons with disabilities. Participants reported that OPDs were effective in supporting persons with disabilities to access justice as they had a good understanding of the barriers that persons with disabilities experienced. Participants also understood peer support from the perspective of citizen participation. Peer support refers to “a supportive relationship between people who have a lived experience in common” (Mental Health Commission of Canada, 2013, 7). Peer support takes various forms, such as self-help groups and organizations (Kumaran, 2011; WHO, 2010), peer support groups for parents of children with disabilities (Bell, Fitzgerald, and Legge, 2013; Dew et al., 2019; Klein et al., 2019; Shilling et al., 2015), and peer-provided services (Davidson and Guy, 2012). Peer support groups for parents of children with disabilities can make parents feel less isolated, reduce their psychological stress, provide opportunities for them to gain knowledge and coping strategies from peers with similar experiences, and increase their access to information and engagement in social and political advocacy for their children with disabilities (Bell, Fitzgerald, and Legge, 2013; Dew et al., 2019; Klein et al., 2019; Shilling et al., 2015). Given the benefits of peer support are supported both by our study and the literature, we argue that more CBR/CBID programs should incorporate peer support within their programming that is specifically targeted to promote access to justice for persons with disabilities. Such programming might strive to do this by creating a sense of collective identity among persons with disabilities and their families, increasing access to information and awareness of legal rights, and promoting active participation in advocacy.

4.7 People With Disabilities in Positions of Power

Our findings reinforce that persons with disabilities and their organizations have first-hand experience with disability and are best positioned to understand and address the needs of persons with disabilities. As such, they must be involved in leadership and decision-making levels to improve access to justice. As White, Johnson, and Bornman (2021b) suggest, legal practitioners with disabilities have a better understanding of the court accommodations needed for equal participation of persons with disabilities and could provide insider insights into making the justice system more accessible to people with disabilities. Tsengu, Brodtkorb, and Almnes (2006) highlighted the critical role that CBR plays in empowering persons with disabilities and indicated that CBR programs “should facilitate employment of persons with disabilities in leadership positions to enable them to advantage of such opportunities to develop themselves and use their initiatives in handling their responsibilities” (p. 55). Every effort should be made to increase the representation of persons with disabilities in positions of power and make the voices of persons with disabilities heard within justice systems.
4.8 Limitations
This study is not without limitations. First, one of the dialogues had very limited participation – the Asian region had three external participants beyond the dialogue organizers, supports, and staff. Although registrations indicated sufficient participation for each dialogue, the study team had less control over who actually showed up on the day of the event. Findings represent the perspectives of those participating in the dialogue at the time and cannot be considered representative of CBR/CBID practice across the entire region – particularly in the Asian context. Additionally, we regret that due to the methods we used, we may not have captured the voices of persons who live in poverty and are unable to afford internet connection or devices (e.g., phone/computer), or those in remote or rural areas, where internet connectivity may not have been possible to join the Zoom dialogues. Next, given the various languages used across the networks, we may not have been able to capture the richness of the discussions than we would have, had we not needed to rely on translation of the conversations. Finally, because participants indicated personal characteristics at registration (e.g., gender, disability status), and there were vast discrepancies in prior registrants versus participants on the day of the event, it was challenging to gather full participant information. Regional dialogue representatives made linkages between actual participant names and pre-registration to support the preparation of Table 1. On the day of the event, some persons joined without pre-registering or joined without identifying themselves (e.g., Zoom name “my iPhone”). In such cases, participant demographics were the regional networks’ best approximation of participation.

5. Conclusion
This study has pulled together the common features identified in the five CBR Global Network’s dialogues on justice, choice, and power. We are grateful for all the participants who gave their time and engaged with the wider CBR/CBID community to share reflections, best practices, challenges, and lessons learned. We are encouraged by the fact many CBR/CBID implementers are striving to improve access to justice through their programming, and we are hopeful that cross-cultural engagement during the dialogue and resulting findings will inform and support increased and improved global implementation of the Justice element of the CBR Matrix and within CBID practice in the future.

REFERENCES


