



Australian
Human Rights
Commission

Access to justice in the criminal justice system for people with disability

ISSUES PAPER: APRIL 2013

ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
Complaints info line 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

Table of Contents

1	Introduction	3
2	What are the rights of people with disability in the criminal justice system?	4
3	Are there barriers to justice for people with disability in the criminal justice system in Australia?	4
4	What is your experience?.....	13
5	What will happen to your response?	15
6	Some information about you	16
7	What are the rights of people with disability in the criminal justice system in Australia?.....	17

1 Introduction

The Australian Human Rights Commission is concerned that many people with disability who need communication supports or who have complex and multiple support needs are not having their rights protected, and are not being treated equally, in the criminal justice system. This is happening to children, young people and adults with disability. It is happening to people with disability who are victims of crime, accused of crimes, witnesses, defendants and offenders. It is happening in police stations, courts, prisons and juvenile institutions, and other corrective services across Australia.

This Issues Paper outlines five key barriers to justice experienced by people with disability who need communication supports or who have complex and multiple support needs. It summarises the main issues under each barrier and includes some real stories as examples. It also includes some questions about the criminal justice system and your experiences.

The Commission hopes this information and set of questions will help you to share your experiences and knowledge. These experiences will provide a much better understanding of what is and isn't working for people with disability who need communication supports or who have complex and multiple support needs. It will help the Commission to look at what can be done to ensure access to justice for people with disability.

If you would like to know more about your rights there is also a section at the end of this Issues Paper about human rights of people with disability.

If you are a person with disability, family member, carer, advocate or an organisation that is concerned about access to justice for people with disability the Commission would like to hear from you.

You can share your experiences and knowledge by answering the questions included in this paper. You can choose to remain anonymous. You can also ask for your response to be kept confidential.

Responses are due by: Friday 9 August 2013.

You can email your response to Cristina Ricci: cristina.ricci@humanrights.gov.au

Or send responses in all other formats, including audio and video, to:

Cristina Ricci
Australian Human Rights Commission
GPO Box 5218
Sydney NSW 2001

Thank you for your contribution.

2 What are the rights of people with disability in the criminal justice system?

The human rights of people with disability are outlined in the United Nations [Convention on the Rights of Persons with Disabilities](#) (Disability Convention). The Disability Convention sets out what countries have to do to make sure that people with disability have the same rights as everyone else. Australia ratified, or agreed to, the Disability Convention in 2008.

In relation to the justice system, the Disability Convention states that people with disability:

- are entitled to equal protection and equal benefit of the law
- have the same legal rights and obligations as people without disability
- have an equal right to use the law to protect and pursue their interests
- should enjoy equal and effective access to justice
- must be provided with the adjustments and support they need to enjoy their other human rights if they have had their personal freedom taken away
- should only have their personal freedom taken away if there is a lawful and proper reason to do so and not just because a person has a disability.

This means that people with disability should be protected by the law, be able to use the law and be able to participate in all stages of legal processes and procedures on an equal basis with others in the community.

3 Are there barriers to justice for people with disability in the criminal justice system in Australia?

The Commission has gathered information and real stories that indicate that people with disability who need communication supports or who have complex and multiple support needs are not having their rights protected, and are not being treated equally, in the criminal justice system. Additionally, people with disability who face multiple disadvantage and barriers are even more unlikely to have their rights protected or be treated equally in the criminal justice system. This includes children, women, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, and people with disability living in institutional, residential and other segregated settings.

The Commission has identified 5 key barriers that limit or prevent access to justice for people with disability. These key barriers can be summarised as follows:

BARRIER 1. Community support, programs and assistance to prevent violence and disadvantage and address a range of health and social risk factors may not be available to some people with disability. This means that people with disability are left without protection and face ongoing violence, or have repeated contact with the criminal justice system because appropriate programs and community support are not available.

- BARRIER 2. People with disability do not receive the support, adjustments or aids they need to access protections, to begin or defend criminal matters, or to participate in criminal justice processes.
- BARRIER 3. Negative attitudes and assumptions about people with disability often result in people with disability being viewed as unreliable, not credible or not capable of giving evidence, making legal decisions or participating in legal proceedings.
- BARRIER 4. Specialist support, accommodation and programs may not be provided to people with disability when they are considered unable to understand or respond to criminal charges made against them ('unfit to plead'). Instead, they are often indefinitely detained in prisons or psychiatric facilities without being convicted of a crime. This situation mainly happens to people with intellectual disability, cognitive impairment and people with psychosocial disability.
- BARRIER 5. Support, adjustments and aids may not be provided to prisoners with disability so that they can meet basic human needs and participate in prison life. They often face inhuman and degrading treatment, torture and harmful prison management practices.

In this section, the main issues under each barrier are summarised and some real stories are also included to demonstrate what is happening.

Barrier 1: Community support, programs and assistance to prevent violence and disadvantage and address a range of health and social risk factors may not be available to some people with disability. This means that people with disability are left without protection and face ongoing violence, or have repeated contact with the criminal justice system because appropriate programs and community support are not available.

Summaries of the main issues and true stories under this barrier include:

1. There are a lack of preventative, education and support services for people with disability experiencing violence at home and in residential and institutional settings. Many people with disability, and women with disability in particular, who are experiencing violence do not report the abuse or identify that they need protection and supports as they may be scared about negative repercussions. If they, or others, report the abuse or seek help, police and other service providers often do not intervene or assist.

Mariam is a 60 year old woman with severe disabilities and lives in a regional centre. Mariam is being repeatedly abused by her son, who is also her carer. She is from a non-English speaking background, has an acquired brain injury, is a wheelchair user, and both her and her carer are allegedly heavy drug and alcohol users. Two members of the public independently call a disability advocacy organisation to ask for help in reporting the abuse and getting support for Mariam. The callers both claim that they have reported the abuse to the police in the past, but the police are "not interested" in intervening. The callers also advise that they thought Mariam had in the past been visited by a government home care worker and the carer had

subsequently refused home care support. The disability advocacy organisation contacted more than 9 separate services and agencies to seek information, advice and support for both Mariam and the callers, but each agency said they could not help.

2. Referrals for assistance and support to service providers outside the disability service system are often not made, or when they are made, they are often declined. There are also difficulties with communication and continuity of care across state and territory borders.
3. Costly criminal justice responses are often applied to people with disability when their needs are better addressed by health, disability, rehabilitation and community responses. For many people with disability, their needs may have been known since childhood but care and protection and early intervention were limited, not provided, not available or there were long waiting lists.

Sarah is a young Aboriginal woman with cognitive impairment, psychosocial disability and health conditions. She has complex and intensive behavioural support needs. She begins a long pattern of contact with criminal justice and human service agencies at the age of 12. There is a lack of appropriate support outside the criminal justice system, and responsibility for addressing her needs is often left to the police and the juvenile justice system. At the age of 18, she is finally provided with 24 hour supported accommodation through a Community Justice Program.

4. Many people with disability are not identified as having a disability. This occurs outside and inside the criminal justice system, including education and health. This means people with disability are unable to access early intervention and a range of other supports and services when necessary. It also means people with a disability are not able to identify that they have a disability or state the supports they need if asked.
5. Many people with disability who need access to language interpreters and communication support workers in small towns or regional areas, or who belong to small ethnic groups, are concerned about reporting violence or coming forward to access the supports and services they need due to concerns about confidentiality. Concerns about issues of confidentiality are magnified for women with disability.

Maria has cerebral palsy and little speech. She wanted to provide a statement to police about a sexual assault, but there was no independent communication support worker to help with the statement. The police relied on Maria's parents to provide communication support. Maria was uncomfortable giving personal details of the assault to police in front of her parents and so her evidence was incomplete. This caused problems for the investigation and during the court process.

BARRIER 2: People with disability do not receive the support, adjustments or aids they need to access protections, to begin or defend criminal matters, or to participate in criminal justice processes.

Summaries of the main issues and true stories under this barrier include:

6. Police may not investigate criminal allegations made by a person with disability who lives in a residential setting. The police may consider that the person's issues should be dealt with by staff within the residential setting or by an independent investigator. This can occur even when the allegation is against staff within the residential setting. Many service providers don't see what has occurred as a crime but as a policy issue.

Tom and Stephen are residents of a licensed boarding house. One day they leave the boarding house and make their way to another town. They approach the Police and tell them that they need accommodation because they don't like being pushed around in the place they currently live in. The Police do not make any referrals for alternative accommodation and do not ask about what it means to be 'pushed around'. Tom and Stephen both have an intellectual and psychosocial disability, and police view the boarding house as responsible for them. They call the boarding house and make arrangements for their return.

7. Legal and technical language and reliance on written legal documents and form-filling can make information inaccessible to people with disability. Without accessible information or support to fill in forms, people with disability may provide incorrect information on legal forms, which can impact their legal rights, such as applying for parole or Legal Aid.

Henry has an acquired brain injury. He wanted to apply for support from Legal Aid to appeal his conviction and needed help to fill in forms. He found the language complex and difficult to understand. He did not receive any assistance or support in prison to fill out the forms and he filled them out incorrectly. This delayed his application. By the time he filled out the forms correctly, his application was outside the time limit and he had to apply for an extension.

8. Modifications to the legal process that would help a person with disability to participate may not be provided or permitted by police, lawyers or the courts. This may include: not providing sign language interpreters; not recognising the role of communication support workers; not allowing support persons to help with understanding legal information and proceedings; and lack of hearing loop technology in court rooms to ensure people with hearing impairment can hear what is being said.

Marcus is arrested by the police. He has an acquired brain injury and intellectual disability and he asked the police to call a support worker from the Community Justice Support Network. He has a card with the contact number for the support worker but the police officer rips it up. Marcus is taken to the police station and charged.

9. Many people with disability are not being identified as having a disability either when they are dealing with the police or in court. As a result people with disability

are not receiving the supports, adjustments or aids they need. Support programs that may be available to help people with disability may only be provided to particular groups of people with disability. They may also be difficult to obtain due to demand.

Iva went to court to give evidence that her carer had stolen money from her. Iva has no speech and needs a communication support worker to help her to communicate. Support workers are available for people with intellectual disability, but there were no communication support workers to help Iva to communicate in court.

10. Bail and parole conditions and court orders may not be conveyed to people with disability in a way that they can understand, making it more likely that they will fail to comply with these conditions and orders.

Julie is a young woman with intellectual disability. She was charged for possession of stolen goods and granted bail. No support worker was provided even though Julie had asked for one. This meant that she did not understand the bail conditions. The next day, the police arrested Julie in a park that her bail conditions said she was not allowed to go to. She did not know what she had done wrong.

11. Styles of communication and questioning techniques used by police and during cross-examination in court can confuse people with disability and lead them to make inconsistent statements. Capacity to make decisions and participate in legal proceedings may also be questioned as a result.

Ahmed has an intellectual disability and was a witness in a court case. After he gave his evidence, he was cross-examined by a lawyer. The lawyer kept repeating a particular idea that was different to Ahmed's evidence. Ahmed became confused and began to doubt the evidence he had given. This made it appear that he had been lying.

12. There are insufficient services to help police, lawyers, magistrates, judges and prison officers when the need for services and supports are identified and requested by them. There are also difficulties in accessing appropriate legal representation for people with disability.

Barrier 3: Negative attitudes and assumptions about people with disability often results in people with disability being viewed as unreliable, not credible or not capable of giving evidence, making legal decisions or participating in legal proceedings.

Summaries of the main issues and true stories under this barrier include:

13. There is a presumption that people with disability are not able to participate in legal proceedings. As a result many people with disability are not asked if they would like to participate, what supports or adjustments they might need or if they would like an advocate to help them. People with disability are not being viewed as people with rights, and little respect is shown for their inherent dignity.

Jenny is in her 60s and has an intellectual disability. She lives in supported accommodation and her service provider organises all her medical affairs for her. She was diagnosed with a new chronic health condition and given a new

treatment program. She disagreed with this new plan and was unsure why she should change her habits. Her service provider became concerned that Jenny was unable to make decisions about this new treatment plan. Without informing Jenny the service provider applied to the local Tribunal for a guardianship order. No-one offered Jenny a lawyer to help her defend her case and her attendance at the hearing was optional. During this time she was assessed by a psychologist who said she was unable to make decisions about her health because she has an intellectual disability. A staff member from the service provider attended this assessment with her, even though Jenny said that she did not feel comfortable with this person. The service provider also contacted an independent advocacy agency for an advocate to explain to Jenny why she needed this guardianship order. The advocate discovered that Jenny was never properly informed about her medical condition, the treatment plan, frequency of appointments or why the medical appointments were important. Jenny decided that she wanted her friend Samantha to support her to make decisions instead of having a guardian appointed for her. The service provider was very unsure about this approach and was worried about who would be responsible if Jenny decided not to follow the treatment plan. The Tribunal decided that it was in Jenny's best interests to be assigned a guardian. Jenny feels as though she can make her own decisions and she has for her whole life. Jenny's views were not regarded as credible because she had already been assessed as unable to make decisions. She has been denied her right to choose whether or not she will accept medical treatment based on an informed decision.

14. Police and lawyers may not investigate or prosecute an allegation made by a person with disability. They may not take the person or allegation seriously, or they may assume that a person with disability is not credible or not capable of giving evidence.

Hugo is a 28 year old man with intellectual disability. His relatives suspect that he has been physically assaulted by a support worker, and they report the incidence to police. The police find that the support worker has been reported before for physically assaulting a person with disability in his care. The support worker is charged with the two assaults. There is a concern that the evidence from Hugo and the other victim with disability will not be viewed as credible or sufficient as both have limited speech. The lawyer decides to conduct the two cases together because this will make the case against the support worker stronger. However, when the court decides that each case will be conducted individually, both cases are dismissed as Hugo and the other victim are unable to provide sufficient verbal evidence of the assaults on their own.

15. Police or lawyers may allow parents to make decisions for adults with disability and rely on parents or carers to obtain information from a person with disability rather than use an independent support worker. They may assume that the person with disability is not capable of making their own decisions. They may not identify or provide decision-making or communication support to the person with disability.

Rosa is a fifty year old woman with cerebral palsy and intellectual disability. She has little speech and communicates using some words and gestures.

She tells a support worker that another support worker raped her that morning. The police and Rosa's parents are called. Rosa communicates to the police through words and gestures that she wants to provide her evidence and proceed with charges against the support worker. However, the police seek consent from Rosa's parents to proceed. The parents do not consent to a police interview or a medical examination to obtain evidence of the rape. Later, Rosa does receive support from an advocate, but it is too late to obtain medical evidence and the investigation is dropped.

16. The rules of evidence may not allow people with disability to give evidence using necessary communication support, such as augmentative communication devices, sign language interpreters or communication support workers.

In 2011, charges of sexual abuse against a bus driver were dropped because the victims had communications difficulties and were seen as unreliable witnesses. The victims were seven children with intellectual disability who had little or no speech but could all communicate through other means, such as sign language. The prosecutors were concerned the victims could not adequately communicate what happened to them. The rules of evidence did not allow for an interpreter to help a person with disability in a court of law. The prosecutors tendered 'no evidence', meaning the case could not proceed and the charges were dropped.

Barrier 4: Specialist support, accommodation and programs may not be provided to people with disability when they are considered unable to understand or respond to criminal charges made against them ('unfit to plead'). Instead, they are often indefinitely detained in prisons or psychiatric facilities without being convicted of a crime. This situation mainly happens to people with intellectual disability, cognitive impairment and people with psychosocial disability.

Summaries of the main issues and true stories under this barrier include:

17. There is a lack of alternative accommodation and disability and therapeutic support options for people with disability if they cannot stand trial. Often prisons are the only accommodation options. Aboriginal and Torres Strait Islander people with disability experience this situation in much greater numbers than other people with disability.

Marlon, a Western Australian Aboriginal man was accused of sexual assault in 2001. He was considered to be incapable of making a plea, or responding to this accusation because he had a cognitive impairment. The law allowed Marlon to be kept in a secure care facility, but there were no facilities to accommodate him. He was imprisoned in the same facilities as the general prison population for ten years without conviction or even trial. In January 2012, Marlon was finally released, but under strict conditions. If he fails to keep these conditions then he could be put back in prison.

18. When alternative accommodation is available and provided to people with disability who are found 'unfit to plead' concerns still may exist about the specialist accommodation and support provided.

John is a 26 year old man with a mild intellectual disability. After being found unfit to plead to a charge of assault, John was placed under a 3 year forensic

order. He is not required to serve this time in prison, but instead must live in alternative accommodation in the community and receive treatment. However, John's new 'home', is situated on the same grounds as the prison, and his only human contact is with the guards who watch him through the observation windows 24 hours a day. His 2 rooms are furnished with a bed, table and chair and these are all bolted to the floor. He has no radio, TV, books, magazines, phone or computer to pass the time, or to stay in touch with his family and friends. Although his 'home' has windows these are locked and so is the back door to the small yard which is covered by a metal cage. This means John can't exercise or breathe fresh air when he wants. The door to the bathroom is also locked so John can't use the toilet, take a shower or get a glass of water without asking staff first. John has been living this way for nearly a year now, and no individual treatment plan has been developed. The ongoing solitary confinement is also taking a significant toll on his physical and mental health. John tells his advocate 'he would rather be in prison'.

19. Many people with disability who have been found unfit to plead are subjected to a range of harmful practices in prison including medical and physical restraint and seclusion.

James is a young Aboriginal man with an intellectual disability, foetal alcohol spectrum disorder and epilepsy. Since an early age, James has behaved in ways that have placed him and others at a risk of harm. In 2007, James was arrested and charged with the murder of his uncle. The court found that James was not capable of making a plea, and he was placed on a Custodial Supervision Order for nine years. James is not a prisoner because he has not been found guilty of a crime. However, as there are no specialist accommodation or support options suitable for James, the court ordered that he be placed into a maximum security prison. James spends long periods of time in his gaol cell every day, and has begun 'head banging behaviour'. James becomes even more anxious, confused and fearful of prison workers in these circumstances because he feels isolated and under duress, leading to further self-harming behaviour. To stop James from hurting himself, the prison staff strap James into a restraint chair and inject him with psychiatric medication to sedate him. This has happened many times.

20. Access to processes that can divert people with disability out of the criminal justice system varies considerably and in some jurisdictions there are no diversionary options available. Outcomes can be very different depending on the attitudes of court personnel and officials towards people with disability and their willingness to use discretionary processes where available.

Barrier 5: Support, adjustments and aids may not be provided to prisoners with disability so that they can meet basic human needs and participate in prison life. They often face inhuman and degrading treatment, torture and harmful prison management practices.

Summaries of the main issues and true stories under this barrier include the following:

21. Many people with disability are not being identified as having a disability on entry into prison or while in prison. As a result no supports or special services are

provided. In some prisons, on entry into prison, a custodial officer may ask some screening questions including “do you have a disability?” Many people with disability say no as they do not know they have a disability or know the risks and disadvantages of identifying as having a disability.

22. Communication support may not be provided to prisoners with disability so that they can interact with other prisoners and prison staff. They may not be able to participate in health, education, employment and rehabilitation programs. The lack of communication support can have a negative effect on mental health.

A number of prisoners with hearing impairment were not provided with hearing support services. They were unable to adequately communicate or participate in prison life and activities. As a result, they experienced a decline in their mental health.

23. Inappropriate responses and harmful practices may be used on prisoners with disability by prison staff, including seclusion and medical and physical restraint. Seclusion has been recognised as a form of torture for people with psychiatric disability. People with disability in prison are being put in seclusion because a range of support services are not available.

Tessa was charged with a number of minor offences, including failing to comply with bail conditions. Tessa has a psychosocial disability. When she was taken into custody by the Department of Corrective Services, she was restrained and shackled. Tessa had been cooperative and calm, and had been assessed by a medical doctor as not being a risk to others. She had no history of violence. She remained shackled for 27 hours, until she was transferred to a mental health facility and placed under the responsibility of the Department of Health.

24. Many people with disability become unwell in prison because they are not eligible for Medicare while in prison and there is no access to appropriate healthcare and treatment and support services, including mental health services. People with disability are released without necessary medication, health plans or referrals to services in place. There is also a lack of culturally relevant and appropriate support and services inside and outside the criminal justice system.

4 What is your experience?

The questions in this section will help you to share your experiences and knowledge of the criminal justice system for people with disability who need communication supports or who have complex and multiple support needs.

You don't have to answer all these questions if they are not relevant to you.

Questions

1. *What are the biggest barriers for you or other people with disability in the criminal justice system?*

2. *What could be done to remove these barriers and help people with disability in the criminal justice system?*

3. *Can you provide information about support that has helped you or other people with disability to participate in the criminal justice system?*

4. *Please tell us about any time that you or another person with disability experienced barriers to justice.*

5. *Do you have any other thoughts, ideas or comments you would like to make about people with disability and the criminal justice system?*

5 What will happen to your response?

Your responses and experiences will provide the Commission with a much better understanding of what is and isn't working for people with disability in the criminal justice system in Australia. They will help the Commission to look at what can be done to remove barriers to access to justice. The Commission may publish a report and also discuss information at meetings and forums.

1. Do you give the Commission permission to use your responses or experiences as a case study in its work? **Your name and any identifying information will not be used.** For example, the Commission may discuss your experiences in meetings and forums or it may publish your story in its reports.

- Yes**, I give the Commission permission to use my response in its work with all identifying information removed.
- No**, I do not give the Commission permission to use my response in its work. I would like my response (as well as my identity) to be kept confidential.

2. Do you give the Commission permission to publish your response on its website?

- Yes**, I give the Commission permission to publish my response on its website and to use the following name _____
- Yes**, I give the Commission permission to publish my response on its website and to record my response as Anonymous
- No**, I would like my response to be kept confidential.

3. Can the Commission contact you for further information? Yes No

If yes, can you provide your name and contact details. Your contact details will remain confidential.

Name: _____

Email address: _____

Postal address: _____

Phone number: _____

6 Some information about you

The Commission would like to know more about you. This information may help to better understand how barriers in the criminal justice system prevent people with disability achieving access to justice.

You do not have to answer all these questions.

1. Do you have a disability? Yes No

If you are a person with disability, can you say what your impairment or disability is called? _____

2. Gender Female Male Unspecified

3. How old are you? ____

4. Do you identify as any of the following? (Please tick all that apply)

- Aboriginal or Torres Strait Islander
- Culturally and Linguistically Diverse / I speak a language other than English at home
- I live in a regional / rural area
- I do not identify as any of the above

5. If you have provided information on behalf of a person with disability can you state your role?

- Friend
- Relative
- Advocate
- Legal centre
- Representative organisation
- Other (please specify _____)

7 What are the rights of people with disability in the criminal justice system in Australia?

This section provides some information about the rights of people with disability in the criminal justice system in Australia. While many laws and policies exist in each State and Territory, this section only focuses on the United Nations [Convention on the Rights of Persons with Disabilities](#) (Disability Convention) and the federal *Disability Discrimination Act 1992* (Cth) (Disability Discrimination Act).

Disability Convention

The human rights of people with disability are outlined in the Disability Convention. The Disability Convention sets out what countries have to do to make sure that people with disability have the same rights as everyone else. Australia ratified, or agreed to, the Disability Convention in 2008.

In relation to the justice system, the Disability Convention states that people with disability:

- are entitled to equal protection and equal benefit of the law
- have the same legal rights and obligations as people without disability
- have an equal right to use the law to protect and pursue their interests
- should enjoy equal and effective access to justice
- must be provided with the adjustments and support they need to enjoy their other human rights if they have had their personal freedom taken away
- should only have their personal freedom taken away if there is a lawful and proper reason to do so and not just because a person has a disability.

This means that people with disability should be protected by the law, be able to use the law and be able to participate in all stages of legal processes and procedures on an equal basis with others in the community. It means that:

- laws that discriminate and procedural barriers in the justice system need to be removed or changed
- age-appropriate adjustments, supports and programs need to be provided to people with disability to allow effective access to justice
- age-appropriate adjustments, supports and programs also need to be provided to prisoners with disability to allow them to participate and benefit from all aspects of prison life
- justice system personnel, such as police, court officers, judges and prison staff, require training in relation to the human rights of people with disability, including the practical application of these rights.

For example, in the criminal justice system people with disability should be able to: begin legal proceedings, make decisions regarding legal matters, provide statements to police and testify in legal cases.

People with disability should also have competent legal representation and be subject to a fair trial if they are defendants or accused of crimes. This may require changes to rules of evidence and police and court procedures so that people with disability can use communication supports, such as communication boards and interpreters, to provide their evidence. Appropriate support people should be allowed

to help people with disability through the legal process, including making decisions about legal matters.

In prison, people with disability should receive the supports they need to participate in prison life, such as in health, education and rehabilitation programs. For example a Deaf person will require access to sign language interpreters to be able to communicate to prison and support program officers as well as other prisoners.

Disability Discrimination Act

The Disability Discrimination Act makes it unlawful to discriminate against a person because of their disability in a number of areas of life. This includes in the provision of goods and services and in access to public places.

This means that people working in the criminal justice system, such as police, lawyers and prison officers must not discriminate against people with disability when they provide their services. They must make adjustments to the way they do things and provide the supports that people with disability need to access legal services.

It also means that people with disability should be able to enter and use the public facilities within the criminal justice system, such as police stations, courts, legal offices and prisons in the same way as others in the community.

Since 1993, people with disability in Australia have been able to make complaints of disability discrimination using the Disability Discrimination Act.

For more information about what you can complain about or how you can make a complaint, visit the Commission website at http://humanrights.gov.au/complaints_information/index.html

Or you can contact the Commission's Complaints Information Service:

Phone: 1300 656 419 or 02 9284 9888

Online: [Enquiry Form](#)

Email: complaintsinfo@humanrights.gov.au

TTY: 1800 620 241 (toll free)

Fax: 02 9284 9611

Free interpretation and translation services are available by contacting **13 14 50** and asking for the Australian Human Rights Commission.