

ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES

analysis from the research regarding to the main
barriers persons with disabilities face with within
judicial system



August 20, 2024
YOUTH WITH DISABILITIES FORUM
Belgrade, Serbia

Contents

BACKGROUND	4
ABOUT YDF	4
EXECUTIVE SUMMARY	5
I. OVERVIEW OF RESEARCH QUESTIONS AND METHODOLOGY	7
A. Implementation of field research	8
1. Direct visits to the courts.....	8
2. In-dept interviews with representatives of court administration, judges and prosecutors.....	9
B. Analysis of websites accessibility	11
C. Implementation of focus group discussion	12
D. Realization of online questionnaire.....	12
II. FINDINGS.....	14
A. Courts accessibility	14
B. Attitudes of court administration, judges and prosecutors	23
C. Accessibility of courts websites	31
D. Barriers faced by persons with disabilities in the administration of justice.....	32
III. CONCLUSIONS AND RECOMMENDATIONS.....	35
A. Overcoming legal barriers	37
B. Improving courts accessibility	37
C. Overcoming attitudinal barriers and improving capacity of judicial staff	39
D. Improvement of courts websites accessibility.....	40
E. Making justice system accessible to persons with disabilities.....	40

Acronyms

YDF	Youth with Disabilities Forum
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation

BACKGROUND

Everyone should, on an equal basis with others, enjoy the rights to equality before the law, equal protection under the law, fair resolution of disputes, meaningful participation, and to be heard. Republic of Serbia, as signatory of UN Convention on the rights of persons with disabilities, must ensure equal access to justice for all persons with disabilities by providing the necessary substantive, procedural, and age and gender appropriate accommodations and support. Articles 12 and 13 of the Convention represent a paradigm shift in the legal recognition of the autonomy of persons with disabilities. The convention rejects historically entrenched understandings of disability that deprive persons with disabilities of any means to exercise their will and preferences, which in many countries, including Serbia, have effectively resulted in their being denied access to justice and procedural safeguards on an equal basis with others. At the same time, one of the measures for achievement of the goal of the Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia (2020-2024) is improving the conditions for exercising the right to access justice and a fair trial of persons with disabilities on an equal basis with other citizens. In this regard, the following is stated: "the measure improves access to justice for persons with disabilities by ensuring the accessibility of buildings of judicial authorities and the application of appropriate assistive technologies or other types of support in court proceedings, thereby ensuring that persons with disabilities have equal opportunities in achieving and protecting violated and endangered rights."

While access to justice is fundamental for the enjoyment and fulfillment of all human rights, many barriers prevent persons with disabilities from accessing justice on an equal basis with others, despite the normative acts. Such barriers in Serbia include: restrictions on the exercise of legal capacity; lack of physical access to justice facilities; lack of accessible transportation to and from these facilities; communication barriers; obstacles in accessing legal assistance and representation; lack of information in accessible formats; paternalistic or negative attitudes questioning the abilities of persons with disabilities to participate during all phases of the administration of justice; and lack of training for professionals working in the field of justice.

In the Serbian justice system, persons with disabilities are often considered to be unworthy of, unable to benefit from or even likely to be harmed by due process protection provided to all other citizens. Addressing these challenges requires ongoing efforts to raise knowledge and awareness, improve accessibility, build capacity, enhance systems and practices, and advocate for further legal reforms.

ABOUT YDF

YDF represents and advocates in the interest of persons with disabilities in several fields (education, employment, entrepreneurship, social policy, and discrimination issues), enabling improvement of the position of persons with disabilities and full respect of human rights in the wider society.

The organization was established in Belgrade, in 2005, by small group of young persons with disabilities who were not satisfied with the current position of persons with disabilities in a society, and who were ready to create initiatives, proposals and solutions for social inclusion of this target group.

The first mission was to strengthen the leadership potential of young representatives of people with disabilities as an engine of change, enabling civil society to become an effective force for democratic reform and defence of human rights, ensuring political and civic participation and representation and public-institution advancement.

From small group of enthusiastic people, the organization became a leader organization in Serbia concerning improvement position of persons with disabilities, especially in the domain of employment. YDF is the only CSO in Serbia that has sustainable program for employment of persons with disabilities, with continuous direct work with persons with disabilities through career center, as well as established Network of employers for employment of persons with disabilities. YDF possess experienced team of experts who have been dedicated to the organization's mission and vision for years.

YDF work is based on recognition that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. Our activities recognize the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms, including the freedom to make their own choices. Finally, we support mainstreaming disability issues as an integral part of relevant strategies of sustainable development.

EXECUTIVE SUMMARY

Persons with disabilities constitute the largest minority in the Republic of Serbia. At the time of the 2011 census, 581 thousand people (about 8% of total population) had a disability that significantly limited one or more major life activities, such as walking, seeing, hearing, breathing, and thinking. Access to justice and enjoyment of rights in the area of the judicial system has changed for persons with disabilities, simultaneously with the changes in the models of approach to persons with disabilities. The long-lasting and dominant medical model put persons with disabilities in a deprived position, in whose names decisions were made by various experts, caregivers and family members. Deprivation of legal capacity, mostly for persons with mental disabilities, prevented those persons from accessing all their civil rights. With the change of discourse after the adoption of the UN Convention on the rights of persons with disabilities, which guarantees full participation for persons with disabilities in equal conditions, a need for reformation of institutions that should enable access to services to persons with disabilities arose. Nevertheless, an indicator that the institutions have been reformed to the extent that they can really be considered inclusive towards persons with disabilities is not only that the persons with disabilities are recognized as users of the services, but that institutions are open to their participation in all levels. This means that an institution within the justice system should have a strategy of inclusivity with which, except as beneficiaries, persons with disabilities are perceived as potential employees in various positions within the justice system. In order to achieve that level of inclusion, a wide range of activities must be conducted – from providing physical, informational and communicational accessibility to the judicial buildings, as well procedural adaptations in court processes, with training for staff members of the justice system.

Youth with Disabilities Forum and „USAID Justice for All project“ aim to provide a framework for the inclusion and participation of persons with disabilities in diverse roles within the administration of justice. This is done through the project „Access to justice for persons with disabilities“, within „USAID Justice for All project“, where YDF implemented set of research activities in order to map physical, informational, and communicational barriers for persons with disabilities within 6 courts in Serbia, including the barriers that persons with disabilities face with during certain law cases, as well their experiences with discrimination and unequal treatment within justice system.

Research findings can be summarised as:

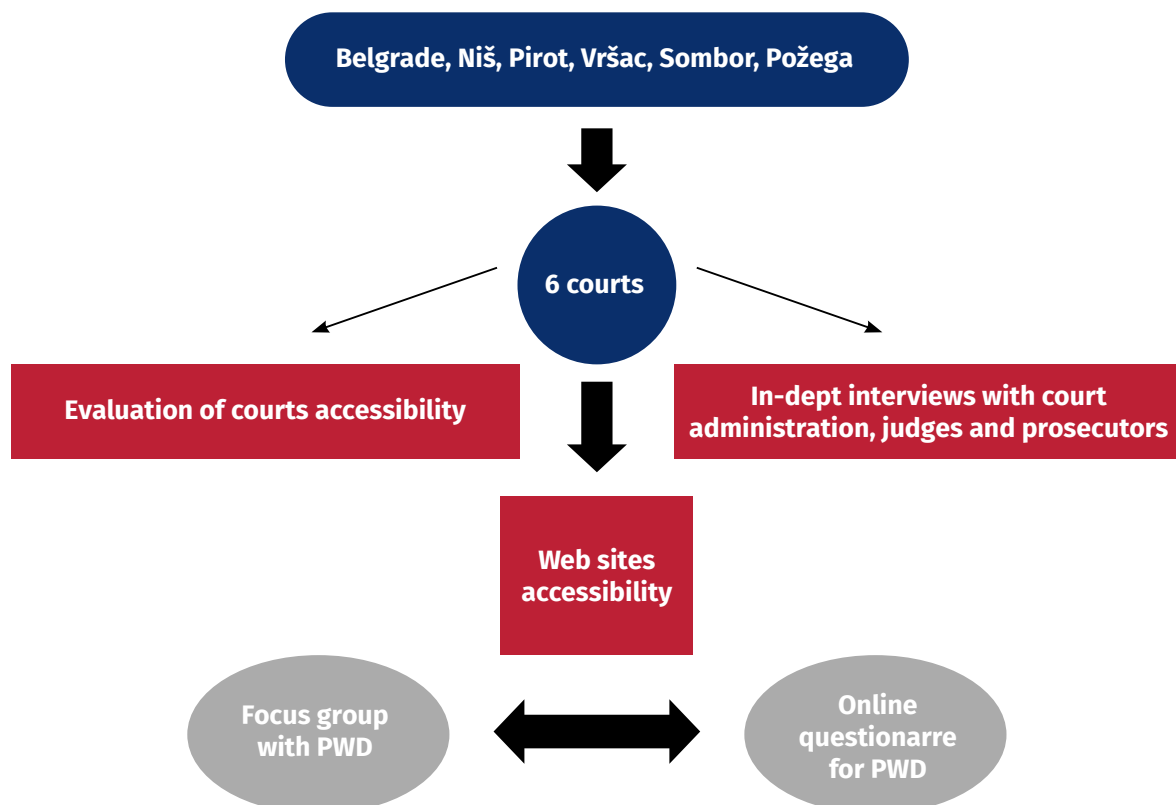
- Measures have not been taken to ensure accessibility of relevant courts physical environments, such as parking spots for persons with disabilities, tactile paths, entrances, restrooms, courtrooms, prosecutors' offices, service desks.
- There is limited access to information provided in accessible formats, including insufficient information and access for sign language interpretation, large print and braille information, tactile maps, challenges in signing documents, accessing the case and court information
- Procedural accommodations are not adequately provided, particularly for individuals with hearing impairments
- Disability is carefully considered when passing verdicts in cases where disability matters and impacts the facts of the case.
- Cases involving persons with disabilities are very seldom and rare
- Courts do not maintain any registry of persons with disabilities-related cases, nor is maintaining of such registry prescribed or regulated in any way.
- Lack of training for court staff disable them to understand the specific needs of people with disabilities in accessing justice and how to provide the necessary accommodation.
- Budgeting additional financial resources is required for improving accessibility in all segments.
- Regulations and procedures are assessed as good, but with poor implementation.
- None of tested courts websites is accessible
- There is lack of accessible information on how the justice system works and what the rights and responsibilities of persons with disabilities are within the justice system, including lack of awareness about the free legal aid system.

Addressing all these challenges requires ongoing efforts to raise knowledge and awareness, improve accessibility, build capacity, enhance systems and practices, and advocate for further legal reforms.

I. OVERVIEW OF RESEARCH QUESTIONS AND METHODOLOGY

Design of the methodology was aimed at gaining insight into the attitudes, perceptions and experiences of important actors in judicial system: persons with disabilities, courts administration, judges and prosecutors. Particular focus was on the courts accessibility, as well on the attitudes, experiences and forms of behavior of judges and prosecutors, as well persons with disabilities. Approach was based on qualitative perspectives from personal insights, interviews and focus group. Data were collected through field research which included **direct site visits to the courts for the assesment of the accessibility** and **in-dept interviews with court administration, judges and prosecutors, testing and analyzis of courts websites accessibility, focus group discussion with persons with disabilities** who had experience within judicial system and **online questionarre for persons with disabilities**.

The survey was conducted on a sample of **16 courts representatives** (court administration, judges and prosecutors) through in-dept interviews, **7 persons with disabilities** through focus group, and **21 persons with disabilities** through online questionarre. Data were collected **in 6 cities**: Belgrade, Niš, Pirot, Vršac, Sombor and Požega. All survey questionnaires covered topics relevant to the assessment of the barriers which persons with disabilities face with within judicial system. The analysis of the experiences and perceptions of all groups of respondents makes it possible to single out the factors that are particularly important for access to the justice.



A. IMPLEMENTATION OF FIELD RESEARCH

In order to collect a data regarding to the courts accessibility, as well a data about the attitudes and perceptions of courts administration, judges and prosecutors regarding to the persons with disabilities, field research was implemented, and included:

1) DIRECT VISITS TO THE COURTS with aim to provide DETAILED EVALUATION OF THE COURTS ACCESSIBILITY, through the site visit and the questionnaire. The questionnaire was used by YDF mobile team and was divided into 4 sections:

1. Parking spots in front of the facility and access to the facility
2. Entrance to the court
3. Interior of the facility
4. Support systems for orientation and communication

The questionnaire has been formed based on the national regulations that govern the area of accessibility and included the following set of questions:

I. Parking places in front of the entrance of the facility and access to the facility

1. Is there a parking space marked with vertical and horizontal signaling for persons with disabilities in front of the entrance to the court building
2. Does the approach from the (accessible) parking space to the entrance of the court building have any obstacles (stairs, sudden level changes, curbs and steep climbs)
3. Are there any obstacles to the entrance to the court building from the public area (stairs, sudden level changes, curbs and steep climbs) for people who use wheelchairs, walkers or other mobility aids
4. Is there a tactile path from the public area to the entrance of the court building for blind and partially sighted people

II Entrance to the court building

5. Is there an entrance in the court building that is adapted for persons with disabilities and that is functional
6. If there is an entrance in the court building that is adapted for persons with disabilities and is functional, is it the main entrance or a side entrance
7. Is the width of the front door at the entrance at least 90 cm
8. Does the entrance door have a threshold greater than 2 cm
9. Does the door open easily
10. How do doors open

III Interior of the court building

11. Is there an accessible restroom inside the court building
12. Mark the parts of the court building that have obstacles that may hinder access for people using wheelchairs, walkers and other aids (one or more steps, sudden changes in level, curb and/or steep rise)
13. Mark passages that have a width of at least 180 cm for two-way traffic, and at least 90 cm for one-way traffic
14. How many levels does the court building have
15. Does the court building have an elevator
16. Is it possible to reach each level by elevator
17. Are the internal dimensions of the elevator cabin at least 110 x 140 cm and have a clear opening width of at least 80 cm
18. Is there an accessible information desk up to 80 cm high
19. How many accessible courtrooms are in the court building
20. How many courtrooms have a width of the entrance door of at least 80 cm

IV Orientation and communication support systems

21. What elements exist for easier orientation and communication
22. Does the court provide a sign language interpreter
23. Is there a tactile path inside the court building for the movement of blind and visually impaired people
24. Are guide and assistance dogs allowed in the court building
25. In what format are court files delivered to the parties
26. How do parties who cannot sign by hand signing the documents

2) IN-DEPT INTERVIEWS WITH REPRESENTATIVES OF COURT ADMINISTRATION, JUDGES AND PROSECUTORS, with aim to identify the barriers in the attitudes of courts representatives and their professional experience in work with persons with disabilities. For this research, only people who have experience in work with persons with disabilities have been chosen.

The questionnaire has been designed to provide insight into the experiences, perceptions and attitudes of court representatives towards persons with disabilities and to identify the areas in which conditions can be improved so that persons with disabilities can have equal access to justice. The questionnaire was divided into the following six sections:

1. General information
2. Attitudes and experiences
3. Accessibility and support
4. Training and education
5. Legal framework and procedures
6. Open-ended questions

I General data

1. Position
2. How many years of work experience do you have in your current position
3. Have you ever had experience in working with people with disabilities in court proceedings

II Attitudes and experiences

4. When a person with a disability participates in a case, do you always have that information
5. If you receive information that a person with a disability is participating in the case, how you receive such information
6. How often do you meet people with disabilities in court proceedings
7. What are your experiences in working with people with disabilities in court proceedings
8. Do you think that people with disabilities have equal chances for fair proceedings in the court
9. To what extent does the fact that a person with a disability is participating in a court case affect your judgment on matters related to that person
10. What obstacles, in your opinion, make it most difficult for people with disabilities to participate in court proceedings

III Accessibility and support

11. How accessible are court premises and equipment to persons with disabilities
12. Are additional resources and support available for working with people with disabilities
13. If you have access to resources and support, state what kind of resources they are
14. If you have access to resources and support, how useful are they to you

IV Training and education

15. Have you received any training or education related to working with people with disabilities

16. If so, how useful was the training
17. Do you think you need additional training for working with disabled people

V Legal framework and procedures

18. How familiar are you with the laws and regulations related to the rights of persons with disabilities in court proceedings? (law on prevention of discrimination of persons with disabilities, law on professional rehabilitation and employment of persons with disabilities, etc.)
19. Do you think that the existing laws and regulations are sufficient to protect the rights of persons with disabilities in court proceedings
20. If not, what changes would you suggest
21. Does the court keep a special register of proceedings involving persons with disabilities
22. Are subjects in which persons with disabilities participate marked in some way

VI Open questions

23. What additional resources or support would you consider useful for working with people with disabilities in court processes
24. Do you have any specific proposal for improving the accessibility and inclusion of persons with disabilities in the court system
25. Do you have any additional observations or experiences you would like to share

B. ANALYSIS OF WEBSITES ACCESSIBILITY

Courts use the internet to provide court information, publish opinions, rules, and case documents, accept filings, and more. Many persons with disabilities use assistive technology to enable them to use computers and access the internet. For example, people who are blind

and cannot see computer monitors may use screen readers - devices that speak the text that would normally appear on a monitor, and keyboard controls instead of a mouse.

Designers may not realize how simple features built into a web page will assist someone who, for instance, cannot see a computer monitor or use a mouse. Implementing accessibility features generally is not difficult and will seldom change the layout or appearance of web pages. An example of a barrier is a photograph of a court building on a court's website with no text identifying it. Because screen readers cannot interpret images unless there is text associated with it, a blind person would have no way of knowing what the image is. Simply adding a line of hidden computer code, often referred to as alt-text, to label the photograph "photograph of county court building," will allow the user who is blind to interact with the page. Similarly, a video with sound will not be understandable to a person who is deaf, without captions. Without an option for large font and high contrast, some people with low vision cannot use a website.

Website accessibility level of 6 courts have been implemented, together with „Otvorena vrata pravosuđa“ website¹. To get the most accurate results, manual accessibility testing was performed, without any automated tools. Full websites auditing is not common in accessibility work, as the process would be time-consuming. Instead of this, couple of sample pages for each website were selected, based on importance and number of visitors.

Websites are checked against the latest internationally recognized web accessibility standard wcag 2.2, and for all types of disabilities.

Audit is done under the windows 10 and google chrome, as this is the standard configuration most persons with disabilities use to navigate the web. Generally, over 70% of accessibility issues affect blind and visually impaired, who use a screen reader i.e. Speech software that converts text into speech. Taking this into account, a native screen reader user was included during the entire testing process. Websites are checked with the most popular screen readers jaws 2024 and nvda 2024.1 (current versions on june 18, 2024).

C. IMPLEMENTATION OF FOCUS GROUP DISCUSSION

The focus group discussion was organized as semi-structured focus group. This means that few important topics were chosen, and discussion was open as long as it fitted to the broader topic. When necessary, additional questions were posted by facilitator.

YDF invited participants to the focus group discussion. The main criteria were that persons with disabilities had previous experience with the justice system, more specifically with court proceedings, regardless of their role within the proceedings (e.g. plaintiff, defendant, witness, accused, etc.), and that participants have different type of disability.

Key topics/questions that were discussed during the focus group sessions are as follows: what type of proceedings they were participated in, experiences during the court proceedings (positive if any, and negative in terms of obstacles they were faced with), and overall, how they felt during the proceedings. During the discussion, participants could share their own experiences, but also experiences of other persons with disabilities that they were familiar with. Focus group discussion was recorded via Teams, with obtained consent of all participants.

D. REALIZATION OF ONLINE QUESTIONNAIRE

In order to gather more data from the respondents – persons with disabilities about their experiences within judicial system, online questionnaire was created, and sent to YDF beneficiaries through the e-mailing list, using Google forms. This method has been chosen to provide more insights into persons with disabilities experiences, apart from the Focus group. Beside it, this method provides convenience in several ways, for example: a) online survey is anonymous, so people can feel safe while answering; b) respondent can answer at a convenient time; c) respondent can take as much time as they need to response questions.

Online questionnaire was used to collect qualitative information.

¹ The Vrsac court website is not live, and could not be tested

Questionnaire included open-ended and closed-ended questions. Questions were designed by taking the perspective of the respondents, considering their language proficiency and available time and energy. There were used single easy questions, in order to receive concise and uncomplicated responses.

1. Have you ever participated in a court proceeding, regardless of your role (e.g., whether you were a accusant, witness, involved in a lawsuit, inheritance proceeding, etc.)?
2. Please rate your experience on a scale from 1 to 5²:
3. Please describe in a few sentences what your experience was like during the proceeding.
4. Please rate how the court staff (administration, judge, prosecutor) treated you during the court proceedings on a scale from 1 to 5 (e.g., I am allowed to take a break when I requested; they helped me to find the courtroom; if there were physical barriers they were willing to assist me, I was treated equally and without any prejudice, etc.)
5. Please describe your experience with the court staff.
6. Please rate your satisfaction with the accessibility of the legal process and the court on a scale from 1 to 5 (e.g., I received documents in Braille; I was provided with a sign language interpreter; the courtroom was physically accessible, etc.)
7. Please describe in more detail the accessibility of the legal process and the court (e.g., The court was physically accessible; I was provided with a sign language interpreter; I had access to all information equally, etc.)
8. Are you familiar with the right for using free legal aid?
9. Have you ever used the right for free legal aid?
10. If you have been using free legal aid, please describe your experience.
11. Have you ever been denied for free legal aid?
12. Specify the reason for denial.

²Rating is done on a scale of 1 to 5 where: 1 - Very Poor, 2 - Poor, 3 - Satisfactory, 4 - Good, 5 - Very Good

II. FINDINGS

A. COURTS ACCESSIBILITY

Serbian legislation prescribes that free movement of persons with disabilities is ensured without any obstacles³. Accessibility refers to all buildings for public purposes. All legal service providers are obliged to remove the procedural and physical barriers that prevent access to justice.

Parking space and access to the facility

Public garages, parking spaces, as well as parking spaces next to the buildings for public usage, need to have at least 5% parking spaces for persons with disabilities, and not less than one.⁴

Most of the courts don't possess parking space for persons with disabilities. For those who have, these spaces are mostly not appropriate.

No one court has tactile path for the blind and visually impaired persons for the access to the facility.

- **Basic court in Niš** does not provide a marked parking space for persons with disabilities.

Persons with mobility difficulties or wheelchair users who are entering from public space into the building can approach the accessible side entrance without obstacles.

- **Basic court in Pirot** has one marked parking space for persons with disabilities in front of the court building. However, the parking space is positioned in such way that driver must go directly on the road while leaving the vehicle, which is a serious threat to the safety of the person leaving the vehicle, especially if the driver is a person with disability (in this case, person with disabilities needs more time to leave the vehicle cause of taking out the wheelchair, therefore, additional time is required for the person to get out of the vehicle).

From the marked parking space to the main and side entrance of the building there are no obstacles. Persons with mobility difficulties or wheelchair users can get to the entrance from the public space without any obstacles, but they cannot enter the main entrance. Only the side entrance is accessible.

³ https://www.paragraf.rs/propisi/pravilnik_o_tehnickim_standardima_planiranja_projektovanja_i_izgradnje_objekata_kojima_se_osigurava_nesmetano_kretanje_i_pristup_osobama_sa_invaliditetom_deci_i_starim_osobama.html

⁴ Article 36 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("official gazette of RS, no. 22/2015)



Photo 1:
accessible
parking space a
front of the basic
court in Pirot

- **The higher court in Belgrade** has one marked parking space for persons with disabilities behind the main entrance of the building. The parking space is marked with yellow, but the sign warning for this parking space is erased.

There are no obstacles from the marked parking space to the entrance to the building.

In front of the main entrance to the facility, the public space has obstacles in the form of stairs, but the public space behind the building is without any obstacles and by going around the building, an accessible entrance can be reached.

- **Basic court in Vršac** doesn't have marked parking space designated for persons with disabilities.

The public area around the court building has no barriers for people using a wheelchair or with mobility difficulties. There is no tactile path for blind or visually impaired persons.

- **Basic court in Požega** doesn't have marked parking space designated for persons with disabilities.

The public area around the court building has no barriers for people using a wheelchair or with mobility difficulties.

- **Basic court in Sombor** - In front of the entrance to the Court there is one marked parking space designated for persons with disabilities.

From the marked parking space to the entrance to the building there are no obstacles, as well as from the public area.

The following table shows an overall situation with the observed accessibility elements in the category of parking and access to the court's facility.

Observed accessibility issue	Basic court in Niš	Basic court in Pirot	Higher court in Belgrade	Basic court in Vršac	Basic court in Požega	Basic court in Sombor
Parking for persons with disabilities	No	1, not safe	1, sign erased	No	No	Yes
Tactile path - walking surface indicator for blind and visually impaired	No	No	No	No	No	No
Obstacles from the parking space and public area to the building entrance	No	No	The entrance is reached from the back	No	No	No
Need to use a secondary entrance due to obstacles to the main entrance	Yes	Yes	No	No secondary entrance	No	No secondary entrance

Table 1: parking space and access to the judicial facility

Green marked data are satisfactory findings. Yellow coloured data are moderate findings, meaning that the accessibility element is present, but with deficiencies, and not in full compliance with the standards and needs of persons with disabilities, either due to faulty design, bad maintenance or for other reason. Red data is findings which demonstrate total absence of the required accessibility element.

Entrance to the judicial building

Entering the court buildings through the main entrance is mostly impossible due to the main entrance's inaccessibility; persons with disabilities usually use the side doors or the back entrances, which are sometimes accessible - but not maintained, and there is no information on the main entrance about the existence of the accessible alternative entrance or instructions on how to reach it.

Automatic doors are not present in any of the observed court buildings.

- **Basic court in Niš** has significant obstacles at the main entrance. Therefore, a person with mobility difficulties must enter the building using the side entrance. The side entrance has a slightly slanted ramp equipped with a handrail. However, the ramp is not functioning due to a fallen facade from that side of the building. In addition, the approach to the side entrance is available only through a narrow passage into a yard full of parked cars, old court documents and disused furniture.

The side entrance door has adequate width, easy to open and there is no doorstep. However, on the main entrance, there is not any notice how to get to the accessible entrance. Therefore, a person not knowing that there is an accessible side entrance can conclude that the one does not exist.

The court employs one person with mobility difficulties who is dependent on the colleague's assistance in reaching the designated office located upstairs.



Photo 2:
accessible side
entrance of basic
court in Niš

- **Basic court in Pirot** has obstacles at the main entrance. There are two steps at the main entrance, with additional steps in the hallway. Entrance has double doors, but one side remains closed.

The side entrance is accessible. It has a slightly slanted ramp equipped with the handrail. The entrance door is properly wide, and there is a button for call if help is needed. There is no doorstep which would make entering hard, and the door can be opened easily using the doorknob.

However, on the main entrance, there is not notice how to get to this accessible entrance. Therefore, a person not knowing that there is an accessible entrance can conclude that the one does not exist. A security guard claims they can see on the camera if there is a person with a disability at the main entrance, and in those cases, they go out to inform a person on the accessible side entrance.



Photo 3:
inaccessible main entrance, the basic court in Pirot



Photo 4:
accessible entrance in the basic court in Pirot

- **The higher court in Belgrade** has a fully accessible main entrance. The entrance is of proper width, and there is no doorstep, which would make entering the building hard. The door is easier to open from the outside than from the inside, using the door handle.

- **Basic court in Vršac** has completely inaccessible entrance, with no alternative accessible entrance. There are two steps at the entrance, followed by 4 more steps after the entrance. The door is double winged of the adequate width once both sides are opened. The door opens with difficulty because they get stuck on the floor.



Photo 5:
entrance of the
basic court in
Vršac

- **Basic court in Požega** - A person with mobility difficulties can enter the facility via the main entrance using the ramp. The ramp is a bit steep, but it is functional, with railing. The entrance door itself are of appropriate width, although they are opened with the help of a handle and there is no threshold.



- **Basic court in Sombor** - The entrance to the building is completely inaccessible. The entrance door has no threshold, but there is a step right at the entrance. The door are opened easily with a door handle, but once they are opened, an obstacle appears in the form of six steps. The door is double and once both sides are opened, the width is appropriate. At the steps there is a metal ramp which is steep and unsafe for use.



Observed accessibility issue	Basic court in Niš	Basic court in Pirot	Higher court in Belgrade	Basic court in Vršac	Basic court in Požega	Basic court in Sombor
Accessible main entrance	No	No	Yes	No	Yes	No
Accessible secondary entrance	Yes, but not maintained	Yes	No second entrance	No second entrance	No second entrance	No second entrance
Information about the existence of the accessible secondary entrance is available at the main entrance	No	No	n/a	n/a	n/a	n/a
Adequate width of the entrance door	Yes	Yes	Yes	Yes	Yes	Yes

Table 2: entrance accessibility

Interior of the building

In the most court buildings, only the ground floor is accessible. The absence of elevators makes upper floors inaccessible.

Accessibility of the courtrooms is generally acceptable, but only in the accessible parts of the court buildings.

Accessible restrooms (toilets) for persons with disabilities mostly do not exist or it cannot be used (locked with no information about the key holder; broken and in need of repairment; used as depots for old furniture; used as a stock for the court archive).

- The building of the **Basic court in Niš** has no accessible restroom for persons with disabilities.

The persons with mobility difficulties have access only to the ground floor which has no obstacles for movement. The building has three floors. Other floors are inaccessible, since the building has no elevator. There is no counter for parties which is at the height of 80cm, but in the hall there is a desk which the parties with disabilities can use to fill in some forms. The number of courtrooms on the ground floor which are accessible is 6.

- On the ground floor of the building of the **Basic court in Pirot**, there is an accessible restroom for persons with disabilities which is locked and there is no information on how to get the key. In addition, there are court files in the restroom ready to be destroyed, so persons with disabilities are prevented from using the restroom in any way. This kind of attitude towards a resource which exists, but cannot be used, demonstrates low level of awareness of court employees towards persons with disabilities.

Persons with mobility difficulties have access only to the ground floor and there are no obstacles for the movement. The building has three floors. It is possible to come to the information desk, courtrooms on the ground floor and restroom without any obstacles. Other floors of the building are inaccessible, because the building has no elevator.

The main offices of the court are on the upper floor, which means that a potential employee with disability would face these obstacles. However, there is accessible working space in the clerk's office. There is a desk for parties, which is at 73cm height. Recommended standard is 80cm, so this height is inappropriate. The number of courtrooms on the ground floor which are accessible is 5.



Photo 6:
the hallway in
the basic court of
pirot

- On the ground floor of the **Higher court in Belgrade** building, there is an accessible restroom for persons with disabilities which is locked and there is no precise information on how to get the key. Additionally, the restroom is locked and not for use due to a defect, which exists for more than 6 months.

Persons with mobility difficulties have the entire building accessible, except the investigation offices of the prosecutors where the width of the door is 75cm.

The building has nine floors and elevators can be used to reach any of the floors. It is possible to come to the information desk, courtrooms, restrooms, and buffet without

any barriers. The counters are not accessible. All courtrooms are accessible and there are 40 of them, although there are no benches for sitting in front of all courtrooms.

- **Basic court in Vršac** has no accessible restroom for persons with disabilities.

Hallways are of adequate width, and the entrance door of the courtrooms is wider than the recommended standard.

The building has two floors, both inaccessible due to barriers and absence of the elevator.

Persons with disabilities are unable to use the court services independently and are forced to rely on the assistance of the court employees. According to the employees' claims in cases when a party is a person with a disability, the employees go outside to provide service, or the security helps bring the party inside.

There is no accessible information desk within the building.

- **Basic court in Požega** - In the building, on the ground floor, there is an accessible restroom for persons with disabilities which is not properly labelled. The restroom is not fully in accordance with the standards of accessibility, but it is functional for a person who uses a wheelchair or any other assistance, as well as for those who have difficulty waking.

Persons with mobility difficulties can access only the ground floor and on it there are no obstacles for movement. The building has four floors. Other floors are inaccessible because the building has no elevator. There is no counter with 80 cm height, which is regulated by the standards. However, there is a bench and a table in the hall which a party with disability can use for the purpose of filling in some form. The number of courtrooms on the ground floor which are accessible is 5 and they all have door width of 80 cm.

- **Basic court in Sombor** - Inside the facility, there is not an accessible restroom for persons with disability.

The building has more than three floors and there is no elevator. Based on the claims of the employees of the court, there is an accessible courtroom inside which persons with difficulty in walking are interrogated and that is done in a way that someone brings them inside the courtroom.



Observed accessibility issue	Basic court in Niš	Basic court in Pirot	Higher court in Belgrade	Basic court in Vršac	Basic court in Požega	Basic court in Sombor
Accessible restroom	No	Yes, can't be used	Yes, can't be used, needs repairment	No	Yes, not in accordance with the standards	No
Accessible ground floor	Yes	Yes	Yes	No	Yes	Yes
Accessible other floors	No	No	Yes	No	No	No
Accessible information desk	No	Yes	No	No	No	No

Table 3: interior accessibility

Support systems for orientation and communication

In all courts there are no additional elements for easier communication and orientation, such as audio notifications, relief signals, tactile notice boards, tactile paths for movement of the blind and visually impaired persons, or notifications in braille.

All courts provide an interpreter for sign language.

There is no official decision on permission for guide dogs and dog assistants to enter the building, even judicial staff presume it should be allowed.

- **Basic court in Niš**

Regarding procedural adaptations, the court writings (writs, decisions, and summons) are delivered to the parties in written form to their addresses, but they can be delivered via e-mail, too.

In terms of signing documents by those who cannot sign themselves, leaving a fingerprint or a qualified electronic signature is practiced, and the instructions on proper submission of a document with a qualified electronic signature is available on the court website⁵. There is an option of hearing the parties by using Viber, skype, zoom, as well as hearing them at their home.

- **Basic court in Pirot**

Court writings (writs, decisions, and summons) are delivered to the parties only in written form to their addresses. Leaving a fingerprint is practiced when signing documents by those who cannot sign themselves.

- **Higher court in Belgrade**

In front of every courtroom, there is a notification system that informs that the court session is in progress. In addition, there is a notification board on which the order of court sessions is given. However, even this trial schedule is good positioned, the notifications should be written in larger font to be visible to people with some visual impairment.

⁵ <https://ni.os.sud.rs/sekcija/100/prijem-elektronskih-podnesaka.php>

Court writings (writs, decisions, and summons) are delivered to the parties only in written form to their addresses. Leaving a fingerprint is practiced when signing documents by those who cannot sign themselves.

- **Basic court in Vršac**

Court writings are delivered to parties in writing and by email; an electronic signature is available.

- **Basic court in Požega**

The court documents (decisions, writs, summons) are delivered to the parties in printed form to their addresses, but they can be delivered electronically too. The party can decide on the manner of delivery. In terms of documents for the parties who cannot sign themselves, a fingerprint or qualified electronic signature is practiced.

- **Basic court in Sombor**

Court documents (decisions, writs, summons) are delivered to parties' home addresses exclusively in printed form. In terms of signing document by the parties who cannot sign themselves, the use of a fingerprint is practiced.

Observed accessibility issue	Basic court in Niš	Basic court in Pirot	Higher court in Belgrade	Basic court in Vršac	Basic court in Požega	Basic court in Sombor
Additional equipment for easier communication and orientation	No	No	No	No	No	No
Procedural adaptation	Yes	Partially	Partially	Yes	Yes	Partially
Interpreter for sign language provided by the court	Yes	Yes	Yes	Yes	Yes	Yes
An electronic signature is allowed	Yes	No	No	Yes	Yes	No

Table 4: support systems for orientation and communication

B. ATTITUDES OF COURT ADMINISTRATION, JUDGES AND PROSECUTORS

The key findings from this research about the attitudes suggested that, among a variety of factors, the most recognized ones would be the knowledge (familiarity) of the disability and the contact with the persons with disabilities. In addition, attitude is also dependent upon the individual factor, e.g., type of disability. Anyhow, attitudes toward the disability involve multidimensional evaluation, which can be either positive or negative, or comprised of both.

COURT ADMINISTRATION

- **General observations which applied to all court administration⁶**

<p>The court does not keep a separate register of cases in which persons with disabilities have been included, nor that files of cases are in a certain manner marked.</p>	<p>Court administration is generally informed about regulations related to persons with disabilities and their rights in the court procedures, but agreed the implementation is not adequate or it is poor</p>	<p>There is unique understanding that the court facilities are only partially accessible</p>
<p>No one respondent attended any kind of education / training regarding to work with persons with disabilities and/or accessibility</p>	<p>Cases involving persons with disabilities are very seldom and very rare</p>	<p>Experiences in work with persons with disabilities are generally positive</p>

- **Basic court in Niš**

Court administration is always informed if the case involves persons with disabilities, either by persons with disabilities themselves or by their representatives.

Observation that the cases involving persons with disabilities are very seldom indicates that persons with disabilities are not sufficiently empowered to seek for a justice. This further implies that access to justice is mostly not available to persons with disabilities, and it is not a surprise that the number of lawsuits for discrimination filed by persons with disabilities is small.

There is a consideration that persons with disabilities have equal treatments in terms of objectivity and expertise, but not in the access to justice.

As the main obstacles to access to justice, it is noted:

- Inappropriate physical accessibility,
- Insufficient resources,
- Lack of training for the staff members,
- Prejudices and attitudes of the society.

It is necessary to provide resources for physical accessibility and a contact person who can provide persons with disabilities with correct information concerning accessibility. As a suggestion for improved access to justice for persons with disabilities, a brochure should be created, explaining the course of court procedures and all mechanisms for accessing the justice.

- **Basic court in Pirot**

Court administration is generally informed if a person with a disability is involved in some case, so certain accommodations can be made.

There is believing that people with disabilities have equal chances for fair proceedings. On the other hand, it is recognised lack of communication accessibility, lack of appropriate resources and insufficient training of employees as the main obstacles.

⁶ All representatives of court administration have professional experience regarding to persons with disabilities

Rooms on the ground floor are sufficiently accessible, but the other levels of the building are not. When it comes to available additional resources, it was stated that the court received a tablet device as a donation from the Ministry of Justice, which serves to facilitate communication with deaf people. However, it is claimed that it has never been used and that it is not exactly clear how it should be used, and which is its real purpose.

Improving of physical accessibility is necessary, and that it would be good if the question of transportation of persons with disabilities to the court will be resolved. As a suggestion for improved accessibility to justice for persons with disabilities, brochure should be made, explaining court actions and other procedures in a simple manner.

- **Basic court in Vršac**

Court administration is never informed if the case involves person with disability.

Limited accessibility is recognised as the main barrier for persons with disabilities. However, someone from the court can always get outside and help person with disabilities to overcome obstacles.

There is no good knowledge on the persons with disabilities-relevant regulations but believing that persons with disabilities enjoy full rights.

- **Basic court in Sombor**

Court administration is not always informed about the case involving a person with disability, and this information court administration obtains from the judge or through one of the parties, when there is a need for some facility accommodation.

Persons with disabilities have equal chances of getting a just legal procedure.

As the main obstacles in legal process, there is inadequate physical accessibility, lack of communication accessibility and lack of adequate resources.

Financial resources for adaptation works should be provided, and number of interpreters for Serbian sign language needs to be raised.

JUDGES

- **General observations which applied to all judges⁷**

There is an understanding that the court facilities are only partially accessible	No one respondent attended any kind of education/ training regarding to work with persons with disabilities and/or accessibility	During decision-making process, the fact that a person with disabilities is involved has no influence on the final decision
Persons with disability have equal opportunities for access to justice and to all legal processes	Cases involving persons with disabilities are very seldom and very rare	Authorized court sign language interpreters are not always available and with questionable skills

⁷ All judges have professional experience regarding to persons with disabilities. All work in general litigation. Beside it, 1 judge works on cases which include execution, 3 on labor cases, 3 on family disputes cases, 1 on all cases under jurisdiction of Higher Court

- **Basic court in Niš**

The judge mostly has information if a case involves a person with disability. However, that is mostly when a person with disability already came to a hearing, and judge obtains that information from the attorney or a family member. Cases in which a person with disability is involved are rare, but the experiences in working with persons with disabilities are neutral, because the judge does not make any difference between persons with or without disabilities.

As a key obstacle which makes it hard for persons with disabilities to participate in legal procedures, judge states lack of appropriate resources which would make the facilities accessible, at the same time emphasizing that person with disability doesn't need to be physically present in the facility since everything can be carried out through an attorney.

A lack of awareness that conditions should be equal for all here is evident (author's note).

Court facilities are partially accessible, and court doesn't possess additional resources needed for work with persons with disabilities.

Even the judge didn't attend any formal training in working with persons with disabilities, judge considers the training not so useful. It is stressed the importance of being a human, so a training is not obligatory.

Here we can notice merciful, so-called human approach, and not the approach based on human rights (author's note).

Judge is not familiar with the regulations which refer to persons with disabilities because she oversees the legal procedures and notes an example that the cases in accordance with The Law on the Prohibition of Discrimination of persons with disabilities are lead in front of Higher court, so it is not mandatory for her to be familiar with the regulations. However, implementation of regulations is questionable.

It should be more done regarding the improvement of accessibility of court facilities.

- **Basic court in Pirot**

The judge is always informed if the case involves persons with disabilities, either by persons with disabilities themselves or by their attorneys.

Judge observation that cases involving persons with disabilities are seldom, have been followed by opinion that persons with disabilities are not sufficiently empowered for judicial activities. This further implies that access to justice is mostly unavailable for persons with disabilities, and it is not a surprise that the number of lawsuits filed for discrimination by persons with disabilities is small.

Cases where disability affects the case matter are handled with a care. As an example, judge mentioned the cases of dividing property; in the cases where is the court order to sell the property, the person with a disability is given the first right to pay out the other party, especially if it is about the facility in which the person with disability lives.

As the main obstacles in legal proceedings, the judge mentions inadequate communication accessibility, lack of suitable resources and insufficiently trained court employees.

The judge demonstrates awareness of the accessibility limitations within the building, particularly when it comes to the accessibility of upper floors.

Regulations related to persons with disabilities are well known and assessed as good, but too often with poor implementation in practice.

- **Higher court in Belgrade**

The judge tends to rule with no bias towards persons with disabilities, but he takes into consideration disability when it impacts the proceedings or facts of the case, such as in child custody cases. It should be noted here that disability does not affect decision-making as a negative circumstance.

Insufficiencies in communication accessibility are the main obstacle to equal access to justice for persons with disabilities.

It is expressed doubts about sign language interpreters' knowledge and skills and need for the sign language interpreters' registries update.

- **Basic court in Vršac**

All known cases involving persons with disabilities are seldom in the court practice possible due to insufficient empowerment of persons with disabilities to seek for a justice through the judicial system, together with barriers and limited accessibility, which is marked as the main aggravating factor in obtaining equal treatment for persons with disabilities in the judicial system.

Limited accessibility is deemed to be one of the main reasons for extending the duration of cases involving persons with disabilities.

Judge is acting with no bias towards persons with disabilities and noted that younger generation of judiciaries has less prejudice and higher awareness of persons with disabilities rights.

Judge is well informed on the persons with disabilities-relevant regulations, but believes the implementation is inadequate.

- **Basic court in Požega**

The judge is not always informed that a case involves a person with disability. Experiences in working with persons with disabilities are mostly positive and they have equal opportunities for a just procedure before the court.

The main obstacle is lack of communication accessibility.

Court facilities on the ground floor are accessible enough, but the judge understands it is not the case with the rest of the building. When it comes to the available resources, it is stated that the court has received a tablet as a donation of the Ministry of justice, which is intended for communication with the deaf people, however, it has not been used so far and the application installed on the tablet does not function.

The judge is partially familiar with the regulations involving persons with disabilities and their rights (in legal procedures) and believes that the existing laws are not good enough to protect the rights of the persons with disabilities in legal procedures, that is, they should be harmonized.

Here it is evident, as in other interviews, that the judge's attitude is that persons with disabilities have equal opportunities for a just procedure, even they claim that existing

regulations are not sufficient to ensure protection for the persons with disabilities in legal procedures. (author's note)

It is essential that physical accessibility need to be improved.

- **Basic court in Sombor**

The judge is always informed if a case involves a person with disability and this is done in a way that a party in the procedure informs the judge, or the judge discovers it through the case file.

As the main obstacle in the legal procedure, judge stated inadequate physical accessibility, lack of communication accessibility, lack of procedural accessibility, lack of resources and inadequate training of the staff. Despite all these obstacles, the judge believes that persons with disabilities have equal chances for access to justice. In addition, although the possibility of having equal opportunities for a fair trial, the judge later expresses opinion that the existing regulations are not sufficient to ensure the protection of rights of the persons with disabilities in legal procedures.

The judge has stated that the Basic Court in Sombor employs a person with disabilities.

Facilities on the ground floor are accessible, but not the rest of the building. When it comes to additional resources, there are no available resources.

The judge is partially familiar with the regulations relating to the persons with disabilities and their rights in legal procedures.

Regulations need to be improved, additional education needs to be provided for the staff, and financial and expert assistance to be improved. Also, it would be beneficial if there are better communication with associations which deal with improvement of the position for the persons with disabilities.

PROSECUTORS

- **General observations which applied to all prosecutors⁸**

There is an understanding that the court facilities are only partially accessible.	No one respondent attended any kind of education/training regarding to work with persons with disabilities and/or accessibility
Persons with disabilities have equal opportunities for access to justice and to all legal processes	Cases involving persons with disabilities are very seldom and very rare

- **Basic court in Niš**

The Prosecutor always has information on whether a case involves a person with disabilities. During decision-making process, the fact that a person involved in a case has a disability has no influence on the final decision.

⁸ All prosecutors have professional experience regarding to persons with disabilities

Key obstacle is inadequate physical accessibility.

Prosecutor's office is partially accessible and that they do not have additional resources needed for work with persons with disabilities.

Prosecutor is partially familiar with the regulations which involve persons with disabilities and their rights (in legal processes) and believes that existing laws are not good enough to protect the rights of the persons with disabilities in legal procedures. It is necessary to harmonize the regulations with the regulations of EU.

Here, as in other interviews, it is obvious that the participant believes that a person with disability has equal opportunities for a access to justice and all legal processes, but later claims that existing regulations are not good enough to protect the rights of the persons with disabilities in legal procedures (author's note).

More should be done on improvement of court facilities.

- **Basic court in Pirot**

The prosecutor is always notified if a case involves a person with disabilities. This information is received through official police records, when the injured party is a person with disability, or through the party or the attorney.

The fact that a person with disability is involved in some case has no influence on the judgment in the decision-making process, except when that fact is considered as a mitigating circumstance in determining of legal sanction.

There are no barriers for participation of the persons with disabilities, because various adaptations (such as modification of the investigation office or home examinations) can be done. Alternative way of examination of the parties is not discriminatory and it is an adequate replacement for getting to the facility.

Prosecution offices are inaccessible, but there is a possibility to use the ground floor for work with the parties, although it belongs to another judicial body.

The prosecutor is partially familiar with the regulations regarding persons with disabilities and that their rights in legal processes, but he cannot evaluate if they are appropriate enough to protect the rights of the persons with disabilities before the court.

It is necessary to improve physical accessibility of the facility and to provide enough sign language interpreters.

- **Higher court in Belgrade**

The prosecutor is always informed if a case includes a person with disabilities and she receives information from the police, in oral or written form, and sometimes the information is obtained from the party themselves. The cases in which persons with disabilities are in the role of accused are not often, but the cases in which persons with disabilities are witnesses are more common. It often happens that elderly persons are injured party in the case, because they are often targets for robbery.

The experience in working with persons with disabilities is neutral and it doesn't affect decision-making process. The differentiation is only made in mitigating or aggravating circumstances. The judge is obliged to elaborate on which mitigating or aggravating circumstances were relied on and disability will in most cases be taken into consideration as a mitigating circumstance.

Persons with disabilities are removed by the article 74 of the Criminal Code: “In choosing the obligations from the article 73 of this Code and determining their duration, the court will specifically take into account the age of the wrongdoer, their health state, inclinations and habits, reasons why a criminal act was done, behaviour after committing the crime, previous life, personal and family life, conditions for fulfilling the required obligations, as well as other circumstances which relate to the personality of the wrongdoer, and are influential for the choice of measure of protective supervision and its duration.”

Investigation offices are partially accessible although article 75 provision 2 of the Regulation on administration of public prosecution offices obliges all prosecution offices in Serbia to enable entrance to the prosecution office facilities for persons with disabilities. However, there are additional resources available, such as examination via video link, or visiting the parties at their home, in which case the prosecutor and a court recorder go.

Prosecutor is familiar with the regulations regarding the persons with disabilities and their rights in legal procedures and she considers existing laws to be good enough to protect the rights of the persons with disabilities in legal procedures.

It would be useful if a register of cases involving persons with disabilities was established and that there should be additional training for court staff.

- **Basic court in Vršac**

Prosecutor is mostly informed if a case includes person with disability.

Inaccessibility in general seemed like the main barrier for persons with disabilities, but all court employees are willing to help in any circumstance.

Prosecutor is familiar with the regulations regarding the persons with disabilities and their rights in legal procedures and she considers existing laws to be good enough to protect the rights of the persons with disabilities in legal procedures.

- **Basic court in Požega**

The prosecutor is always informed if a case includes a person with disabilities through the case file or by party itself.

The prosecutor states that the experiences in working with persons with disabilities are mostly positive, while the fact that a person with disability is involved in a case has influence to the judgment in the decision-making process to some extent.

Prejudice and attitudes of the society are the main obstacles which make it difficult for persons with disability to participate equally in legal procedures.

Offices on the ground floor are very accessible, although the rest of the building is not. Some additional resources are available, such as sign language interpreters. For examination of persons with mobility difficulties resources of the court on the ground floor are used, having in mind prosecution office is on the floor which is completely inaccessible.

The prosecutor is familiar with all specific regulations relating to persons with disabilities and she believes that the existing laws are not good enough in protecting the rights of persons with disabilities in legal procedures. She believes regulations need to be harmonized.

- **Basic court in Sombor**

The prosecutor is always informed if a case includes person with disability, but this information is not vital, since the disability was never seen as an obstacle in the legal process.

As the main barriers in seeking for a justice, it is stressed inadequate physical accessibility, lack of communication accessibility and inadequate training of the staff.

The prosecutor considers that the facilities are partially accessible, and as an available additional resource, it is pointed out a sign language interpreter.

Prosecutor is partially familiar with the regulations related to persons with disability and their rights (in legal processes) and he thinks that the existing laws are good enough to protect the persons with disabilities in legal cases, but their implementation is questionable.

The number of available sign language interpreters should be increased, and tactile notice boards should be fitted for easier orientation of the blind and visually impaired persons.

C. ACCESSIBILITY OF COURTS WEBSITES



All tested court websites have a quite similar page structure, and so many accessibility issues.

People with cognitive and motor disabilities as well as blind and visually impaired are not able to contact the courts through their websites. Checking the case status is also not possible for them. These issues have a top priority, so fixing them should be seriously considered. Most court websites have a content that blinks or rotates automatically, which can't be stopped or paused. This may cause navigation issues to blind, and even seizures to people with epilepsy. Blind may have issues checking the latest news, although advanced screen reader users can overcome this. Many important images have inaccurate title, which prevents blind to understand their purpose. Due to the low colour contrast, colour-blind persons may have difficulties accessing some content. Search option on those websites is to certain extent inaccessible for the blind.

The website representing “otvorena vrata pravosuđa” is more complex and has different accessibility issues. Moving through this website is challenging to people with motor disabilities, because links and buttons are not clearly visible when interacting with keyboard. Important images have inaccurate the alt text, so blind users can't understand their purpose. Blind and visually impaired are not able to use the map and obtain information through it. People with cognitive disabilities and screen reader users may not be able to find certain content on the main page, because the focus order is illogical for them. Subscribe for newsletter can be difficult to blind and visually impaired, since screen reader do not report fields, buttons and status messages as expected. Many important images have inaccurate title, which prevents blind to understand their purpose. Those users also can't interact with video controls. Tested videos don't have captioning nor audio description and transcript. That's why they are not fully understandable to blind and deaf users.

D. BARRIERS FACED BY PERSONS WITH DISABILITIES IN THE ADMINISTRATION OF JUSTICE

Focus group participants were involved in different court proceedings, such as labour law dispute, anti-discrimination, civil proceedings related to divorce and inheritance, criminal proceedings, and non-contagious proceedings. They had different roles in those proceedings – parties, witnesses, and accused in criminal proceedings, etc.

They shared very different experiences related to their participation in the court proceedings.

Accessibility issues – physical and communication barriers

One of the main topics for discussion was accessibility of the overall court proceedings (objects and the very proceeding). Experiences differed even for the hearings in the same court. This is not a surprise, since accessibility is a very broad concept, and the object (e.g. court building) accessible for one person with disability might not necessarily be accessible for other person with disability. This focus group discussion confirms that claim.

Some participants who are using wheelchair explained that court buildings are not accessible or not completely accessible although some measures were undertaken. They mentioned different physical barriers related to the court building and its surrounding. It was stated that in one court, the ramp has been installed, but it is too steep, which makes it useless for some wheelchair users. So, even when some activities and measures related to ensuring and/or improving accessibility were conducted, this was not done according to the standards of universal design. Furthermore, in some court buildings, especially the older ones, the main entrance has very heavy iron door, so it is almost impossible for some persons with disabilities to open it. Most often toilets in the courts are not accessible. In addition, some courts, such as the case with the court in Novi Beograd, have accessible entrance in the back (rear entrance), but there are no proper signs to inform person with disability. Furthermore, that entrance is usually closed/locked, and persons with disability are again prevented from access to the court. Also, some participant noted that there are still courts completely physically inaccessible (i.e. court building in Niš and Zrenjanin, for example).

Two participants highlighted problem that blind persons are encountering in the court. According to their experience, courts do not have possibility (or just do not want to) to provide them documentation in format they could read (electronic form). They are only given paper versions of the documentation, which makes it seriously difficult for them to participate in court proceedings, regardless of their role in that process.

Procedural issues

Most participants agreed that they didn't face any discrimination in the courtroom, during the proceedings. Three of them stated that judges were extremely kind and helpful, as well as other participants to the proceedings. Some of them think that it was rare experience

for judges to have a person with disability in the court, so that's additional reason for more opened approach. When asked to explain reasons for that type of kind behaviour, they stated that they didn't feel uneasy at all, and considered that it has anything to do with their disability – it was not patronizing or pitying. Two participants stated that judges and lawyers might be more cautious with persons with disability, but not in a negative manner.

In addition, one participant described her experience with the divorce proceedings. She felt that the judge has some prejudices towards her due to her disability. However, when explained the situation during the hearing, she was informed by the facilitator that it was typical divorce hearing when spouses don't have children, and that judge's behaviour was the same as it would be in any other similar case. Nevertheless, this is a clear sign that more efforts should be put in education of persons with disabilities regarding different court proceedings, as well as judges and other judiciary personnel.

On the other hand, there was also some procedural obstacles worth of noting. One participant, deaf woman who reads lips, stated that she was a party in one civil proceeding. During the witnesses' testimonies she was not able to understand, since she was not offered the other place for sitting. The courtroom was organized regularly, so that witnesses were faced towards the judge, i.e. their backs were turned to her and other persons present in the courtroom. Without procedural accommodation, she was not able to follow the hearing. She told that to her lawyer, but he didn't take any actions, didn't inform the judge about her needs, and she was not granted any accommodation.

Other issues

Several other issues were raised during the focus group discussion. Participants agreed that due to the evident physical and communication inaccessibility of courts and court proceedings, a lot of persons with disabilities are reluctant to seek justices. In addition, they agreed that most persons with disabilities are not familiar with the law and the manner for exercising the rights, which is one of the main reasons for the lack of antidiscrimination litigation due to disability, as well as other proceedings they might be involved in. Also, lawyers are not sufficiently knowledgeable on the rights of persons with disabilities, and sometimes they are giving wrong advice (e.g. one of the participants stated that her lawyer dissuaded her from filing a lawsuit, even though it was a clear example of discrimination).

Furthermore, a lot of persons with disabilities does not have sufficient financial means for lengthy litigation and are not aware of the possibility to use free legal aid. This information gap hinders their ability to seek and obtain justice.

It should be noted that there is a lack of trust in the justice system in Serbia generally, which also applies to persons with disabilities. It could be said that their (dis)trust in the judicial system is exacerbated by negative experiences heard from other persons with disabilities experiences.

Online questionnaire shows that 45% of respondents had generally bad experience within judicial system, describing the experience as “stressful and humiliating”, “catastrophe”, “traumatic”, “suspicious conditions”, “disaster”, “bed”, “a mediocre approach to me as a person and to the subject itself; in a word, very crude and superficial”, “deluded”.

Respondents marked their experience as:



■ Very poor ■ Poor ■ Satisfactory ■ Good ■ Very good

When the bad experience is put in the concrete example, giving the review of the courts staff behaviour, it comes to the “the people who work in the court are overbearing and even violent. There is no code of conduct. What is needed is actually legal norms that will directly punish judges if they do not adapt their work to disabled people and their needs”; “very bad treatment”; “behaviour was as if I were an object and not a person”; “very bad, I have been grossly misled and deceived by the judge”; “not all judges are the same ... it depends on which judge has emotions towards a person with a disability”. In addition, when we speak about the accessibility, the respondents stated, “I didn’t have access to the documentation because of my disability”; “physical inaccessibility of the court”; “there was no parking space for persons with disabilities”; “I couldn’t enter the building”, “there was no possibility to deliver documents in Braille”; “I almost fell because they were polishing the floors with something, and the crutches flew”; “there was impossibility of using a stamp with the name and surname written in technical letters (“facsimile”) instead of a signature.

On the other hand, **30% of respondents had very good experience**, stated the following: “very correct behaviour of court staff”; “I got all support I needed”; “The judge made some procedural adjustments in the procedure, such as the possibility of not standing up when approaching the court, it was not necessary for me to face the witness face to face during the confrontation, etc.”; “staff treated me with the respect, recognising my disability”; “very good, they carried me upstairs”; prosecutor was very nice and gentle, she was apologize why she didn’t come to my home to take a statement”; “they scheduled the trial in the ground floor cause of accessible courtroom there”.

Regarding to the **free legal aid**, out of the total number of respondents, **46.15% are aware** of the right to free legal aid, while 53.85% of respondents are not aware of this right. **15.38% of respondents used the right to free legal aid.** Respondents who used free legal aid state that they had no major difficulties while using this right and that they used this right mostly during the Kovid19 pandemic. On the other hand, the respondents who did not use this right as reasons stated: "I didn't because there is none free legal aid in my municipality"; "I didn't use that right, because I have my own lawyer to represent me." Out of the total number of respondents, **15.38% could not exercise their right to free legal aid, cause of no answer.**

III. CONCLUSIONS AND RECOMMENDATIONS

To be fully included in society, persons with disabilities need access to justice without any barriers. If they face barriers to their participation in the justice system, they will be unable to assume their full responsibilities as members of society or to fully realize their rights. For this reason, it is important that barriers be removed so that persons with disabilities can enjoy the equal opportunity to perform their duties as witnesses, lawyers, judges, arbitrators, and other participants in the administration of justice.

Article 13 UN Convention on the right for persons with disabilities – Access to Justice

Article 13 guarantees the right of persons with disabilities:

- to effective access to justice on an equal basis with others
- to effective access to justice at all phases of the administration of justice, including at preliminary stages such as initial investigations
- to be both direct and indirect participants, including being witnesses
- to receive procedural and age-appropriate accommodation to ensure their access to justice.

Article 13 requires State parties:

- To provide training to those working in the administration of justice, including police and prison staff, to help ensure effective access to justice for persons with disabilities.

Although all provisions of the CRPD are relevant to access to justice, several, beyond Article 13, are of particular importance.

- ▶ Article 5, Equality and Non-Discrimination, requires State parties to recognize that all persons with disabilities are equal before and under the law, and are entitled without any discrimination to equal protection from and equal benefit of the law (art.5(1)). State parties are to further prohibit all discrimination based on disability and guarantee persons with disabilities equal and effective legal protection against discrimination on all grounds.
- ▶ Article 12, Equal Recognition before the Law, requires State parties to recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, and to take appropriate measures to provide access by persons with disabilities to the support that they may require in exercising their legal capacity.
- ▶ Article 14, Liberty and security of the person, requires State parties to ensure that persons with disabilities are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify deprivation of liberty.

- ▶ Article 16, Freedom from exploitation, violence and abuse, requires State parties to take all appropriate measures to protect persons with disabilities and directs them to put in place effective legislation and policies, including women- and child focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.
- ▶ Article 23, Respect for private and family life, requires State parties to take measures to protect the rights of persons with disabilities in relation to marriage, family, parenthood and relationships. Regarding parenthood, States are to take measures to ensure that persons with disabilities retain their fertility on an equal basis with others.

Despite CRPD, which Republic of Serbia ratified in 2009, when people with disabilities do encounter the civil and criminal legal systems, they still face a wide range of barriers. Barriers involve combined forms of inaccessibility and other forms of discrimination. They include: (1) Legal barriers; (2) Physical barriers; (3) Information and communication barriers; (4) Attitudinal barriers; and (5) Economic barriers.

Legal Barriers

Law, policy or practice is not implemented, or the implementation is poor. In addition, some State's legal framework is confusing or complicated, and there are some overlaps or incompatibilities between national laws and procedures.

Physical Barriers

Access to justice for persons with disabilities can be impeded where measures have not been taken to ensure the accessibility of relevant physical environments, including court buildings and relevant service providers.

Information and Communication Barriers

Persons with disabilities cannot seek remedies for injustices if they do not know what their legal rights are, or how to exercise them under law. There is limited access to information provided in accessible formats, for example to provide sign language interpreter for people who are deaf; easy-to-read material for persons with cognitive disabilities; or large print for persons with low vision; or court material in electronic forms (or in Braille); or where assistive technology is not made available. Lack of accessible information or existing of different models of communication further limits the ability of persons with disabilities to report crimes or their effective participation in legal proceedings.

Physical Barriers

False beliefs or assumptions on the part of relevant actors, including court administration, judges and prosecutors, result in persons with disabilities being considered and treated as less credible at all stages of legal processes, and as someone who can receive some help, instead of fulfilment of human rights.

Economic Barriers

A lack of economic resources directly impact access to justice in numerous ways. For example, it can affect one's ability to engage and pay for quality legal process where it is not provided at no cost; to engage in litigation, which can be expensive and lengthy; or otherwise seek remedies

for alleged violations of rights. Due to the inaccessibility of facilities and the environment, people with disabilities are often unable to conduct court proceedings in person, so they are forced to hire attorneys. When it comes to civil court proceedings, according to art. 85 of the Law on Civil Procedure, attorneys can only be lawyers, which further puts people with disabilities in an unequal position compared to other citizens because they must hire and pay lawyers. That is why people with disabilities, often give up their intention to seek judicial protection of their violated and endangered rights.

All courts must **reasonably modify their buildings, policies, practices, and procedures** to avoid discrimination of persons with disabilities.

A. OVERCOMING LEGAL BARRIERS

It is necessary to conduct comprehensive reviews of the legislative framework, to identify legal barriers in discriminatory legislation, regulations, policies or practices. Scoping should both include a review of the extent to which the rights of persons with disabilities are protected, as well as of provisions relating specifically to participation in the justice system. In addition, analysis of civil and criminal law and court procedure is relevant to assessing the variety of barriers that may exist for persons with disabilities within civil and criminal court processes. Where legal barriers are found to exist, laws and policies and procedures should be amended, in order to create adequate policy frameworks: for example, ensuring that non-discrimination applies to all persons with disabilities, ensuring that reasonable accommodation is a required element of nondiscrimination.

B. IMPROVING COURTS ACCESSIBILITY

Adaptation of the building does not necessarily require the whole building itself to be accessible. This obligation can be fulfilled in a variety of ways. For example, the court can make the trial accessible by holding it in a courtroom on the first floor or in another building that is fully wheelchair accessible. Courts must also make sure they communicate effectively with people who have communication disabilities. There is no “one-size-fits-all” definition of “effective communication.” For example, sign language is not effective for a person who is deaf if the person does not know sign language. Courts should provide communication aids and services so that persons with disabilities can participate in their services. When deciding what communication aid should be provided, primary consideration should be given to the aid or service requested by the person with the hearing disability.

1. Parking

- **A legally prescribed number of parking spaces for persons with disabilities should be built, safe for use and visibly marked** with vertical and horizontal signalization in accordance with the regulation that addresses the standards for marking parking spaces. Accessible parking spaces must be located on the

shortest accessible route from the parking lot to an accessible entrance.⁹

- **At least one accessible route must be provided** within the site from accessible parking spaces, public streets and sidewalks, and public transportation stops, to the accessible entrance(s) of the court building.¹⁰
- **When security barriers are used** (bollards, planters, etc.) **there must be sufficient space between them for wheelchair clearance.**

2. Court building entrances

- **At least 1 public entrance must be accessible.**¹¹
- **Entrance doors should be provided with an automatic door opener.** Where there are separate paths for entry and exit, an automatic door opener should be available at both locations.
- If the main entrance is not accessible, but there is an accessible side entrance, a **clear and visible notification on the existence of an accessible side entrance** with additional instructions **should be provided on the main entrance.**
- **At the accessible entrance there must be both audible and visual signals.**¹²

3. The interior

- **At least one accessible route** is required to connect all accessible elements and spaces in the building.¹³
- **At least 1 accessible restroom should be provided and be regularly maintained** instead of being used as a depo for discarded furniture or additional court archive space.¹⁴
- **A walking surface indicator for the blind and visually impaired people should be installed** for easier movement **within the public area around the building, from the parking to the entrance,** as well as a **sound traffic light.**¹⁵
- **At least 1 accessible information desks** should be designed.¹⁶
- **Public seating within the courtrooms and in the waiting areas should include accessible spaces for wheelchairs**

⁹ Under Article 36 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹⁰ Ibid

¹¹ Under Article 13 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹² Under Article 39 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹³ Under Article 14 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹⁴ Under Article 20 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹⁵ Under Article 39 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

¹⁶ Under Article 28 of Regulations on technical standards for planning, design and construction of facilities, which ensure uninterrupted movement and access to people with disabilities, children and the elderly ("Official Gazette of rs, no. 22/2015)

- **Public waiting areas** should be easily accessible from the accessible public entrance. Seating areas should be provided but should not obstruct traffic patterns.
- In the large hallways or special waiting rooms, there should be **comfortable seating**, in which visitors may wait and attorneys can meet with their clients, near the courtrooms.

4. Support services

- Elements for easier communication and orientation should be provided (relief signals, tactile notice boards, paths for movement of the blind and visually impaired persons, or notifications in braille).
- All **elements of accessibility should be regularly/daily maintained**.
- Proactively engaging in budgeting to allow **sufficient budgeting for accessibility**.

C. OVERCOMING ATTITUDINAL BARRIERS AND IMPROVING CAPACITY OF JUDICIAL STAFF

There is a huge need for disability awareness training and capacity-building among all judicial staff. In-depth training on the needs and rights of persons with disabilities should enable them to respond effectively to the cases involving persons with disabilities.

It is important to emphasize the role of the justice sector in implementing relevant international standards, such as the CRPD, in programmes designed to strengthen justice sector institutions.

Training should provide models of accessible communications and reasonable accommodations for persons with disabilities in the criminal justice context. It also should strengthen the skills of attorneys interested in litigating in disability cases and building a network of appropriately-trained attorneys.

Finally, there is also a need for community-level awareness-raising on disability in obtaining access to justice; this includes for example ensuring that persons with disabilities enjoy equal access to legal aid services and legal literacy programmes, implementation of campaigns against stigma and stereotyping, and provision of human rights training for key service providers in field of law.

D. IMPROVEMENT OF COURTS WEBSITES ACCESSIBILITY

Technical report covering each accessibility issue that consists of detailed description, wcag criteria, remediation steps with code samples, particular affected element such as a link or button, and screenshot showing the place on the page where the issue is found is available for use. Beside it, web accessibility auditing results are explained in non-technical wording and ready for use.

Website administrators can develop online resources, lead user-testing efforts, and maintain the quality and consistency of the website.

E. MAKING JUSTICE SYSTEM ACCESSIBLE TO PERSONS WITH DISABILITIES

Although only one focus group discussion was conducted, as well online questionnaire with 21 respondents, some conclusions could be drawn from the experience of participants, as well as other persons with disabilities whose stories were shared by participants.

Accessibility challenges: Group of respondents highlighted significant physical and communication barriers within court proceedings for persons with disabilities. These issues ranged from inadequate physical accessibility to the lack of appropriate signage and the inability of blind persons to access court documents in readable formats. Despite some measures to improve accessibility, many court buildings still do not meet the necessary standards, leading to difficulties for persons with different types of disabilities.

Mixed experiences with court personnel: While most participants did not feel discriminated against during proceedings and found judges to be kind and helpful, the experiences were not uniform. A few participants felt that court personnel were cautious around them, though not in a negative way, while some participants perceived prejudices due to their disability. This suggests variability in the treatment of persons with disabilities in the courtroom, potentially linked to the level of experience and awareness among judiciary personnel.

Lack of procedural accommodations: The focus group highlighted a critical issue where procedural accommodations were not adequately provided, particularly for individuals with hearing impairments. This lack of accommodation severely impacted their ability to participate effectively in court proceedings, demonstrating a need for more consistent and informed procedural adjustments.

Reluctance to seek justice: The participants expressed a reluctance to engage in legal proceedings, partly due to the physical and communication barriers they face, as well as a lack of familiarity with legal rights and procedures. This hesitancy is further compounded by a general mistrust in the judicial system, influenced by both personal and shared negative experiences.

Financial barriers and lack of awareness: Financial constraints and a lack of awareness about the availability of free legal aid further hindered the ability of persons with disabilities to pursue justice. This knowledge gap contributes to a lower incidence of anti-discrimination litigation and other legal actions involving persons with disabilities.

Need for better education and awareness: There is a clear need for better education for

both persons with disabilities and judicial personnel regarding the rights of individuals with disabilities and the accommodations they require. Enhanced awareness and training could help mitigate some of the issues raised, leading to a more equitable and accessible judicial process.

Having all that in mind, **THE PRIORITY RECOMMENDATIONS** are as follows:

Enhance accessibility: There is a need for systemic improvements to make court facilities and legal processes more accessible to persons with disabilities. This includes better physical infrastructure, availability of interpreters, accessible information formats and possibility of using facsimile.

Training for legal professionals: Legal professionals, including judges, prosecutors, lawyers, and court staff, need training on the rights and specific needs of persons with disabilities to ensure they can effectively participate in legal proceedings.

Public awareness campaigns: Increasing awareness about the rights of persons with disabilities and the availability of legal aid services through public campaigns is crucial to empower persons with disabilities and improve their access to justice.