

## Position Statement

## **Access to Justice for People with Intellectual and Developmental Disabilities**

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### Plain Language Version

## Introduction

Inclusion BC is a group of members that works to support the rights and inclusion of people with intellectual and developmental disabilities. We follow the United Nations Convention on the Rights of Persons with Disabilities. This agreement says people with disabilities have the right to access justice, just like everyone else. It also says people have the right to get the supports they need so they can use the justice system fairly.

Our position statement aims to challenge racist<sup>1</sup>, ableist<sup>2</sup>, ageist<sup>3</sup>, colonial<sup>4</sup> and other unfair ideas about people with intellectual and developmental disabilities. Our goal is to support the inclusion of everyone in the community, no matter a person's:

- finances,
- background,
- culture,
- religion,
- relationship status,
- sex, gender identity, or gender expression,

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<sup>1</sup> Racist – discriminatory ideas against a person or group of people because they belong to a particular racial or ethnic group.

<sup>2</sup> Ableist – discriminatory ideas against people with disabilities.

<sup>3</sup> Ageist – discriminatory ideas against people because of their age.

<sup>4</sup> Colonial – ideas imposed from one group of people to another.

- sexual orientation,
- age, or
- disability.

We recognize and support:

- Indigenous rights and titles across British Columbia
- The UN Declaration on the Rights of Indigenous Peoples
- The 94 Calls to Action by the Truth and Reconciliation Commission
- The B.C. Declaration on the Rights of Indigenous Peoples Act

## Position Statement

To fully respect human rights, everyone needs access to justice. Access to justice means people can understand the legal system and use it fairly.

To make this happen, the justice system must:

- Meet each person's unique needs
- Provide supports and accommodations
- Remove barriers
- Prevent discrimination

The justice system includes:

- police,
- courts,
- prisons and correctional services,
- government lawmakers,
- legal and victim services,
- youth justice services,
- community organizations,

- health care,
- housing, and
- social services.

Fair access to justice means all systems must support individual choice and control. People should have the accommodations<sup>5</sup> they need. They should also have the support they need to make their own decisions; this is called supported decision-making.

Governments have a responsibility to make sure the justice system is fair and easy to use.

To make sure the justice system is fair, it must provide the supports and services people need to be included. The justice system must take action to address unfair rules, practices, and attitudes. This includes taking action to address barriers caused by colonialism, ableism, and other forms of discrimination.

We advocate for inclusive options to help people involved with the justice system. These options should respect and support the different needs of people across BC.

In this position statement, we focus on the needs and calls to action for people with intellectual and developmental disabilities.

To skip the background and rights-based section and move directly to the calls to action, [click here](#).

## Background

### Rights of People with Intellectual and Developmental Disabilities

People with intellectual and developmental disabilities have the same right to access justice and to be protected by the law as everyone else. These rights are included in international human rights laws. Laws in Canada and British Columbia also protect these rights.

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<sup>5</sup> An accommodation is an adjustment that is made to remove barriers so that everyone has an equal opportunity to participate.

[The UN Convention on the Rights of Persons with Disabilities](#) says Canada must make sure people can access the justice system fairly. The government must provide:

- supports,
- accommodations during legal processes, and
- training for professionals in the justice system.

In Canada, laws like the Charter of Rights and Freedoms, the Canadian Human Rights Act and the BC Human Rights Code protect people from discrimination. In BC, the Accessible BC Act requires public organizations to remove barriers and improve accessibility.

Even with these laws, many problems still exist.

In 2025, the UN Committee on the Rights of Persons with Disabilities said people with disabilities in Canada still face:

- long wait times,
- not enough supports,
- over-policing,
- complicated court processes,
- higher chances of going to prison,
- not enough culturally safe services in prisons, and
- unfair processes.

This shows a gap between what the law promises and what happens in real life. Many people with intellectual and developmental disabilities continue to face barriers to accessing justice.

## Discrimination for Certain Groups

Some people face more barriers because they are treated unfairly for who they are. The BC Human Rights Commissioner said that some groups of people experience more discrimination because of:

- disability,
- Indigenous identity,
- race,
- gender,
- poverty, and
- other factors.

Research shows that:

- There are more Indigenous people than other groups in the justice system. This is because of the impacts of colonization.
- Many people with disabilities who have legal problems are racialized<sup>6</sup> or 2SLGBTQIA+.<sup>7</sup>
- Disability benefit rates in BC are too low. This keeps people with disabilities living in poverty.
- The justice system and related services can't support the needs of people with different life experiences.

To improve access to justice, the justice system along with health and social supports must:

- Recognize diverse perspectives and experiences.
- Include a variety of people with intellectual and developmental disabilities in developing policies and practices.
- Be inclusive and culturally safe.

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<sup>6</sup> Racialized means a person or group is treated differently because of their race or skin color, often in unfair ways.

<sup>7</sup> 2SLGBTQIA+ stands for two-spirit, lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual and other identities.

## What Has Been Done

### Improving Supported Decision Making

In 2000, the Representation Agreement Act became a law in BC. It says people can make their own decisions, no matter how they communicate. For example, some people communicate through their behaviour. This law also says all adults can:

- Make, change, or end a representation agreement.
- Make their own decisions, unless it is shown they cannot.
- Choose someone they trust to help them.
- Keep their right to make choices, even if they need support.

Representation agreements help people access supported decision-making. This means people have the support of a trusted person to understand information but make their own decisions. This is helpful with things like health care, finances, and legal issues. We will focus more on supported decision-making in the *Position Statement on Access to Supported Decision-Making for People with Intellectual and Developmental Disabilities*.

### Making it Easier to use the Justice System

In 2018 the Re-Imagining Community Inclusion Initiative shared ideas to improve the justice system. For example:

- Better disability training for police, lawyers, and workers in legal services.
- Making sure people with disabilities have access to supported decision-making.

These changes have not happened yet. The BC government says it's committed to improving access to justice, but more action is needed now. All changes must include listening to the experiences of people with intellectual and developmental disabilities.

## Challenges and Barriers

### Unfair Treatment

People with intellectual and developmental disabilities often experience unfair treatment in the justice system. For example, not getting the accommodations or support needed. This can lead to people:

- having their rights ignored or denied,
- being treated like they don't matter or can't make decisions, or
- not having their legal problems dealt with fairly.

In serious cases, this can also lead to:

- false confessions,
- wrong rulings in court, or
- being kept in jail or prison unfairly.

Ableism is a big problem in the justice system. Professionals working in all parts of the justice system need training about the rights of people with disabilities. This includes police, firefighters, paramedics, help lines, and others.

### Complex Needs

Some people with intellectual and developmental disabilities also face substance use and mental health challenges. This can increase people's chances of experiencing things like:

- homelessness,
- death from the toxic drug supply,
- hospitalization,
- violence, and
- becoming involved with the criminal justice system.

This is known as having "complex needs." People with complex needs are often excluded from supports and services across BC. Exclusion happens when no one

takes responsibility for meeting a person's true needs. When different systems do not work well together, people do not get the help they need. As a result, some people end up in jails, hospitals, or in crises that could have been prevented.

[Experts](#) say that prisons fail to help people with substance use and mental health challenges. There is not enough planning before people are released from prison. There are also not enough community-based services for people with complex needs. As a result, people can face serious problems. For example, repeatedly going back to prison, poor health, and higher chances of dying due to the toxic drug supply. The [Position Statement on Access to Mental Health Care for Adults with Intellectual and Developmental Disabilities](#) talks more about the lack of inclusive support options for people with complex needs.

Services need to work together better. The province should create teams that include a variety of professionals. These professionals should bring different systems together. This includes health and mental health, disability supports, housing, and justice. By working together, these teams can meet each person's unique needs. This would help people with complex needs get support before problems get worse.

## Not Enough Supports and Services

People with intellectual and developmental disabilities are more likely to become involved with the justice system when they can't get supports. This includes:

- housing,
- health and mental health care,
- income supports, and
- supported decision-making.

Governments need to make sure people have better access to community supports. The supports should be person-centred, culturally safe, and enough for everyone who needs them. The [Position Statement on Access to Disability Supports and Services for Adults with Intellectual and Developmental Disabilities](#) shows the changes needed so everyone can get the help they need.

Poverty is also a barrier to accessing justice. Financial supports do not provide enough income. This means many people with disabilities live in poverty. The



[\*Position Statement on Access to Income Security for Adults with Intellectual and Developmental Disabilities\*](#) looks at this issue in more detail.

Some parts of the justice system are not accessible and don't accommodate the needs of people with disabilities. For example, Review Boards<sup>8</sup> and restorative justice practices.<sup>9</sup> People with more complex needs are less likely to get the right support from the justice system.

## Parents with Disabilities

Parents with intellectual and developmental disabilities often face unfair treatment. This can lead to their children being taken away. When this happens, parents are forced to become involved with the justice system.

A [study](#) done in 2025 found that child welfare processes are not accessible. They can discriminate against parents with intellectual and developmental disabilities. For example, these parents often:

- Have their needs ignored.
- Do not get clear information about their legal rights.
- Do not get the help they need in court.
- Have workers who do not understand disabilities.

Parents with intellectual and developmental disabilities have told us they are afraid to ask for help. They fear that the Ministry of Children and Family Development might see them as unfit parents and take away their children. A [report](#) from 2023 shows that this fear can stop parents with a disability and Indigenous parents from asking for support.

Parents with disabilities also face discrimination in housing. This prevents families from having stable homes. A [report](#) by the BC Human Rights Commissioner shows

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<sup>8</sup> Review Boards are a type of tribunal. They are used when a person is seen as unfit for a trial. They are also used when a person may not be responsible for a crime due to mental health reasons. These Boards decide the rules a person needs to follow. For example, where they can live.

<sup>9</sup> Restorative justice focuses on repairing the harm one person caused another, instead of just punishing the offender.

that landlords often discriminate against women with disabilities. Not having housing can also cause parents to lose their children. This is a serious human rights issue. We discuss people's right to safe, accessible, and affordable housing in the [\*Position Statement on Access to Housing for People with Intellectual and Developmental Disabilities\*](#).

## Digital Barriers

Many justice resources and services are now online. However, some people with intellectual and developmental disabilities cannot access them easily.

Some barriers include:

- the cost of technology,
- a lack of accessible options, and
- not enough support to use digital services.

Governments and legal systems must remove barriers to technology. Online legal resources and services should be easy for everyone to use.

## Calls to Action

The government has a responsibility to ensure equal access to justice. We call on the province to:

Make a **Provincial Disability Strategy** to ensure people with intellectual and developmental disabilities can get equal access to justice. This plan should follow Article 13 of the UN Convention on the Rights of Persons with Disabilities. It should also include these steps:

- Create **teams of professionals** across BC who work together to help people with intellectual and developmental disabilities and complex needs get the supports and services they need. This includes:
  - health,
  - justice,
  - social services,

- education, and
- housing supports.

The teams should make sure that these systems work together and that the supports are person-centred.

- Set up a **provincial group** to make sure the teams of professionals work well, hold them accountable, and collect learning from across the province. This provincial group should identify and share best practices so systems can support everyone, no matter where they live in BC.
- **Include people with intellectual and developmental disabilities** when making policies, programs, and resources about access to justice.
- **Provide training** for:
  - police,
  - lawyers,
  - judges,
  - child welfare workers,
  - corrections staff,
  - victim services, and
  - first responders.

This **training should cover**:

- How to support people with intellectual and developmental disabilities,
  - supported decision-making,
  - ableism,
  - the importance of restorative justice, especially for Indigenous youth, and
  - the recognition of Representation Agreements in the justice system.
- **Make the child welfare process accessible** so that parents with intellectual and developmental disabilities can have fair access to justice when they are involved in child welfare investigations. Create accessible and culturally safe resources to help parents understand and defend their rights.

- Provide more **funding for Legal Aid** so people with intellectual and developmental disabilities can get the legal help they need.
- Provide funding to create or expand **legal navigation services** in all courts and tribunals to help people understand and navigate the justice system.
- Make **online legal information** easy to access and easy to understand. Make sure people have access to technology and the support they need to use it.

Equal access to justice means:

- recognizing that people with disabilities can have control over their lives,
- respecting each person's choices, and
- making sure people can get the support they need to use the justice system.

Systemic discrimination in the justice system must stop so that everyone can participate fully and fairly. Governments must make the justice system accessible to all British Columbians. This includes providing the supports and services people with intellectual and developmental disabilities need to fully enjoy their right to justice.