Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach

Qudsiya Naqui

Abstract

This paper reviews access to justice for people with disabilities, focusing on what we know—and still need to know—about how justice systems can better serve and include disabled populations. Based on existing research, we know that disabled people, constituting roughly 16% of the global population, face significant legal, informational, communication, physical, and economic barriers at all stages of the justice process, and are disproportionately represented in both civil and criminal legal systems. We also know that these barriers impede disabled people's access to the law, access to legal processes, and access to just outcomes, undermining their ability to engage in democracy, emerge from poverty, and participate in inclusive development. Legal needs surveys in various countries have found that disabled people are more likely to report civil justice problems, while research on legal empowerment reveals that disabled individuals face obstacles in accessing legal information, exercising legal capacity, and obtaining representation due to inaccessible materials, social isolation, and negative attitudes among justice system actors. However, important questions remain around the long-term procedural and substantive outcomes of disabled people navigating legal problems, the efficacy of interventions such as supported decision-making, and the implementation of accessibility policies across justice institutions. Significant data gaps also persist: existing methodologies for identifying disability in surveys often exclude psychosocial and developmental disabilities; research is overwhelmingly concentrated on criminal rather than civil justice contexts; and few justice institutions have developed standardized approaches to collecting disability-disaggregated data.

Drawing on international frameworks including the UN Convention on the Rights of Persons with Disabilities, legal needs surveys, and qualitative research, this paper argues that centering the experiences of disabled people advances people-centered justice for all communities, and concludes with a proposed research agenda emphasizing participatory methodologies, data linkage strategies, and cross-jurisdictional evidence building.

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Mapping Disabled Justice: Empirical Research Towards a People-Centered Approach

Qudsiya Naqui[*]

Introduction

Extant research that describes how disabled people[1] address their civil legal problems, much like civil justice research more broadly, is sorely lacking across the globe. This truth exists despite the reality that disabled people, who constitute roughly 16% of the global population,[2] are often more likely to present with particular types of civil legal problems, and are disproportionately represented in the civil and criminal legal systems. This white paper offers a roadmap for building upon and expanding knowledge about the experiences, needs, and outcomes of disabled people in all aspects of the justice continuum.

Disability is a fluid concept, describing a broad set of physical and mental conditions that could affect any person at any time in their lives. In its preamble, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) "Recogniz[es] 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."[3] The CRPD goes on to define "persons with disabilities" to include "those who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others."[4] U.S. law, for example, takes an even broader approach, defining a person with a disability as having "a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment."[5] As discussed in subsequent sections below, a shared understanding of disability in justice system contexts is critical to building an evidence base that captures the disabled experience of access to justice.

Better understanding the barriers to access that disabled people face in the achievement of just outcomes can also lead to new solutions that ultimately benefit all people who confront legal problems. This has proven true of disability-inspired design modifications to the built environment, such as curb cuts, that not only benefit people who use wheelchairs, but also parents with strollers, travelers with heavy wheeled luggage, and many others.[6] Similarly, the clarion call of the global disability rights movement, "Nothing about us, without us," cuts to the core of people-centered justice—justice that is shaped, driven by, and centering the needs of those who are most impacted.[7] Thus, unlocking the experiences, barriers, and outcomes of people with disabilities who navigate civil legal problems brings us many steps closer to realizing access to justice for more than just a single marginalized community. Rather, it has the potential to transform our approach to people-centered justice more broadly.

This white paper will proceed in three parts. First, it will explore why understanding and centering access to justice for disabled people advances inclusive growth, democratic empowerment, and poverty alleviation, drawing on both access to justice and human rights frameworks. Second, it will describe the state of existing research, data, and evidence related to the experiences, barriers, and outcomes of disabled people when it comes to accessing justice. Third, it will identify gaps in our knowledge in this area, and describe a future research agenda that both enhances the global knowledge base for disabled justice and allows researchers, practitioners, and policymakers to apply this knowledge in order to think more expansively about what people-centered justice looks like for all communities.

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[*] Assistant Professor of Law, University of the District of Columbia David A. Clark School of Law.

1. Disability and Access to Justice

Despite a dearth of empirical evidence, it is widely understood that disabled people face legal, informational, communication, physical, and economic barriers related to the resolution of their legal problems.[8] These barriers exist at all stages in the resolution process, and regardless of the role that a disabled person plays—whether they are seeking information about how to address a justiciable issue they are facing; a plaintiff or defendant in a lawsuit; a lawyer or advocate; a judge or other judicial officer; a witness; a juror; or some other role. Disabled individuals may be presumed not to have the legal capacity to make decisions that impact their family, finances, healthcare, and other matters. They may not be able to communicate effectively with legal system actors due to language and communication barriers. They may be physically unable to enter a courtroom or law office due to inaccessible architectural design. These are just a few of the challenges that disabled people may encounter on the path to resolving their legal problems.

These barriers are all the more acute because disabled people are often over-represented in civil and criminal legal systems. The United States offers one example. Federal statistical collections in the U.S. have shown that the rate of violent crime against individuals with disabilities is nearly four times higher than those without disabilities.[9] Nearly 40% of individuals incarcerated in federal and state prisons reported having one or more disabilities.[10] In the civil justice context, several of the top ten most burdensome civil legal problems, including employment discrimination, access to healthcare, disputes over disability benefits, and poor working conditions, disproportionately impact disabled people.[11] Adults with disabilities in the United States are also twice as likely as non-disabled adults to live in poverty, exacerbating barriers to accessing legal assistance and information, the ability to attend court proceedings, and other costs associated with justice system involvement.[12]

Collectively, the disproportionate and exacerbated barriers to resolving legal problems that disabled people experience impact their ability to engage in democracy, emerge from poverty, and to be included in collective growth and development at the national and global levels. The opacity and over-complexity of the law is challenging for any lay person, but without accessible language and alternative forms of communication, it can be impossible for people with intellectual, developmental, and certain sensory disabilities to understand, use, or participate in the reform of laws and policies that directly affect their lives, as well as their ability to engage in other democratic processes. Likewise, failure to consider disabled experiences, needs, and modalities of access can prevent disabled people from accessing employment, healthcare, public benefits, and other social goods that not only foster their own individual human thriving, but also advance inclusive social and economic development writ large.

Global frameworks that define the contours of access to justice combined with critical human rights principles enshrined in the Convention on the Rights of Persons with Disabilities (CRPD) offer tools to develop a typology for empirical research that centers access to justice for disabled people. Broadly speaking, this research, and the data upon which it rests, address three core issues that shape the experiences of disabled people who navigate legal problems—access to the law, access to legal processes, and access to just outcomes. The existing framework for people-centered justice acknowledges the need to include disabled people in visioning an accessible justice system, but the CRPD takes this approach further by expanding our conceptualization of access itself through the lens of disability. Thus, combining the access to justice and human rights frameworks that undergird people-centered justice for those with disabilities allows a more capacious vision for justice systems that work for people and can help shape the research, data, and evidence necessary to realize and enhance that vision.

The OECD's recommendation on access to justice includes in its definition of "people centricity" taking into account "the perspectives and needs of specific communities, including marginalized, underserved and groups in vulnerable situations (*e.g.*, women, children, indigenous groups, elderly, and people with disabilities.)."[13] In its Framework and Good Practice Principles for People-Centered Justice, the OECD likewise uplifts people with disabilities as a marginalized and vulnerable population whose justice system experiences, needs, and outcomes should be particularly addressed. This, according to the OECD, includes specific, tailored empirical research that goes beyond general legal needs surveys that are often not able to capture and disaggregate the legal needs of disabled people.[14] This acknowledgment of people with disabilities as a "special" population is important, but it is further bolstered by the human rights principles around access to justice articulated in the CRPD.

Access is the lynchpin that ties access to justice to the human rights of disabled people. In particular, articles 9, 12, and 13 of the CRPD shape the three elements that build knowledge and create a pathway to improving the justice experiences of disabled people and others who face justiciable legal problems.[15] Article 9 of the CRPD declares that, "To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take all appropriate measures to ensure to persons with disabilities access on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas."[16] This applies to all elements of the legal problem-solving process, which occurs both inside and outside of justice institutions, and likewise requires accessible, human-centered design to accommodate a wide range of bodies and minds. Article 12 further states that "States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life."[17] Finally, Article 13 affirms that "States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations."[18] Article 12 creates a framework for empirical research that advances knowledge on disabled people's access to the law, including their ability to drive appropriate and just outcomes as recognized persons under the law, while Articles 9 and 13 represent an expansive set of tools for understanding and evaluating access to myriad elements of the justice process, from the physical accessibility of courthouses and law offices, to technology access, to the ability of disabled people to communicate with justice system actors.[19] It is this agency and access that can ultimately enable disabled people to pursue and achieve just outcomes in the resolution of their legal problems. It is within this frame that we can begin to assess the state of data, evidence, and research on disabled justice.

2. Existing Evidence

A review of publicly-available literature draws the contours of data, empirical research, and other extant evidence that explores disabled people's access to law, the justice process, and just outcomes. This analysis reveals four key areas where such data and research is available: (1) data that aids in identifying the prevalence of disability within populations; (2) data that captures the legal needs of people with disabilities; (3) empirical research that explores disabled people's legal empowerment, including their ability to exercise legal capacity; and (4) research focused on disabled people's justice experiences and outcomes. Closer examination of these four areas enables the identification of data and research gaps explored in the next section.

2.1. Identifying Disability

A critical first step in improving the evidence base for disabled justice is developing a standardized approach for identifying disability among those who are involved in formal and informal civil and criminal justice systems. The United Nations Statistical Commission Washington Group on Disability Statistics (WG), established in 2001, was tasked with improving the quality and consistency of data identifying persons with disabilities in censuses and national population surveys.[20] The WG created a short set of questions (the Washington Group Short Set, or WG-SS) that could be easily and uniformly understood by the full range of respondents. The WG chose to focus on function as the indicator of disability in order to acknowledge the environmental barriers that disabled people face.[21]

The WG-SS includes six questions related to difficulty walking, seeing, hearing, understanding, self-care, and communication.[22] Response options include, "no difficulty," "some difficulty," "a lot of difficulty," or "cannot do at all."[23] A respondent who reports that they have "a lot of difficulty" or "cannot do at all" for one of the six functions is classified as a person with a disability.[24] The development of the WG-SS has succeeded in creating consistency, uniformity, and comparability in the collection and analysis of disability data across country contexts.[25] The Disability Data Initiative conducted a review of 184 countries, finding that 68 (37%) of these countries used the WG-SSS in a total of 141 data sets.[26]

Though the WG-SS was revolutionary in its effort to standardize disability data on an international level, it has notable limitations.[27] The minimum threshold of "a lot of difficulty" to qualify for a disability classification excludes those who may not meet that threshold for any of the six activities, but who face barriers to participation or self-identify as disabled.[28] It also excludes those who report having "some difficulty" with multiple of the enumerated activities.[29] The WG-SS also does not include psychosocial or developmental disabilities, nor does it account for conditions such as facial difference, Albinism, or Dwarfism, that may not necessarily impact one of the six functions, but that result in social exclusion and other significant socioeconomic barriers.[30]

In response to these limitations, the WG has created a variety of supplemental instruments to capture a broader swath of the disabled adult and child population.[31] Some countries, like the United States, have developed alternative methodologies for disability identification altogether. The U.S. uses a set of six questions in its American Community Survey (the "ACS 6") that identify respondents with hearing difficulty, vision difficulty, ambulatory difficulty, cognitive difficulty, self-care difficulty, and independent living difficulty. Respondents who report any one of the six disability types are considered to have a disability.[32] The U.S. Census Bureau recently proposed a movement away from the ACS 6 to the adoption of the WG-SS; however, rigorous advocacy from U.S.-based disability data experts and disability community members resulted in a suspension of this plan based on concerns that adoption of the WG-SS would result in under-counting of the disabled U.S. population.[33]

In the justice system context, appropriate identification is essential for understanding short- and long-term procedural and substantive outcomes for disabled people who experience both civil and criminal legal problems. Yet, very few justice institutions have developed sound and standardized methodologies for identifying an individual's disability status. Exploring internationally-developed methodologies for disability identification and their application in justice system contexts has the potential to improve disability data collection more broadly, both with respect to censuses and surveys, and also in the development of more uniform and interoperable administrative data.

2.2. Legal Needs

In the last 30 years, there have been more than 250 legal needs studies conducted in 110 countries and jurisdictions.[34] Taken together, these legal needs surveys paint a picture of the kinds of legal problems that everyday people encounter, how they perceive those problems, how they seek help to resolve those problems, their capabilities to resolve those problems, and how those problems are ultimately resolved. A recent analysis of these surveys conducted over the last three decades has revealed that many do collect data to ascertain the disability status of respondents, though existing methodologies such as the ACS 6 and WG-SS discussed above do not capture mental health disabilities, which may impact the likelihood of an individual to experience legal problems as well as their ability to resolve those problems.[35] Additionally, as with other censuses and surveys, lack of ability to oversample may limit the power of legal needs surveys to disaggregate data based on disability.

Despite these limitations, legal needs surveys in various countries and jurisdictions have produced evidence related to the legal needs of disabled people. The English and Welsh Civil and Social Justice Panel Survey, conducted in two waves between 2010-2012, found that "socially excluded people," including people with disabilities, were more likely to report civil justice problems.[36] Australia's 2023-2024 Public Understanding of Law Survey found that people with more mental distress or a long-term illness or disability reported more problems with legal literacy, but people who cared for older adults or adults with disabilities reported fewer legal literacy problems.[37] Colombia integrated its legal needs survey with its census data collections, using a snowball approach to disaggregate data on legal needs based on disability status.[38]

Given the challenges with oversampling in these large-scale population-based survey methodologies, supplemental targeted approaches to understanding legal needs in disabled populations may be necessary, akin to Canada's multi-pronged approach in their Civil Legal Problems Survey, which combined population-based survey techniques with in-depth focus groups to capture the legal needs of specific sub-groups.[39] Three of these in-depth qualitative studies focused specifically on disabled people living in various Canadian provinces.[40] Additionally, as demonstrated by an independent study conducted in the United States examining the impact of intersectional identities on legal needs, alternative techniques may also aid in uncovering challenges stemming from the multi-faceted experiences of race, gender, disability, and other compounded marginalized identities.[41]

2.3. Legal Empowerment and Legal Capacity

Legal empowerment "connects individuals unprotected by the law to knowledge and use of that law; people within isolated communities to one another through processes of movement building and community cohesion; and marginalized communities to institutions which hold the power to regulate their lives."[42] Disabled people experience particular barriers in accessing the law, knowledge about their rights, accessing the mechanisms necessary to seek redress for rights violations and other harms, and in obtaining legal assistance or representation.[43] These barriers include lack of accessible information and communication (*e.g.*, materials that are not in Braille or large print, complex legal information that is not translated into plain language, etc.); social isolation or institutionalization that prevents independent access to legal knowledge; and the attitudes of judges, lawyers, and other legal services providers who may not understand or accommodate disabled people's access needs or doubt their legal capacity (discussed further below). Extant and emerging research on the legal empowerment of disabled people offers greater insight into the relationship of disabled people to the law and the exercise of their own power in shaping that relationship.

An initial literature scan revealed at least one study underway that examines the ability of individuals with psychosocial disabilities in Taiwan to access the judicial process to challenge their involuntary confinement.[44] One Iranian study employed in-depth qualitative interviews to map the dimensions of legal accessibility for disabled people in the context of public services. Aligned with the broader understanding of legal empowerment, the study found four dimensions of legal accessibility: (1) structural barriers in legal access (including both architectural and digital inaccessibility; (2) limited awareness and understanding of legal rights due to poor outreach and lack of legal literacy; (3) negative interactions with legal and administrative bodies, characterized by discrimination, communication breakdowns, and procedural complexity; and (4) enabling factors including the supportive role of advocacy organizations, inclusive policies, and proposed legal reforms.[45] A second Iranian study explored the perceptions of disability among advocates in Iran regarding the inclusivity and effectiveness of Iran's legal frameworks in addressing the rights and needs of persons with disabilities. The study identified lived experiences of discrimination, exclusion, and inaccessibility of legal processes, as well as the need for inclusive, participatory legal reform among key themes that emerged from qualitative analysis.[46] These studies offer a snapshot of what is possible in terms of empirical research and data collection that has the potential to expand knowledge about legal empowerment.

There is also emerging research aimed at understanding the prevalence of lived experience with disability among legal system actors, as well as their attitudes towards and knowledge of disability. These attitudinal issues have direct impacts on disabled people's ability to access legal information, advice, and representation. This body of research has two dimensions—studies that examine the attitudes of legal system actors towards litigants and other legal system participants (*e.g.*, jurors, witnesses, etc.) with disabilities, and the ability of disabled people to access legal and related professions. Much of this evidence has emerged from western common law countries, and reveals gaps and challenges along both dimensions.

Legal system actors often lack knowledge about the disability experience and disability rights laws, including how these issues may impact the matters they are adjudicating or litigating, as well as the substance and modalities of the advice, information, and other resources they provide.[47] Spaces of engagement with legal system actors like law offices and courthouses, including the physical and digital information communicated in these spaces, are often inaccessible to disabled people. Compounding these access barriers, legal system actors often hold negative biases towards disabled people that impact legal outcomes.[48]

Extant research and evidence have also shown that the legal profession remains inaccessible for people with disabilities who are under-represented in sectors across the profession.[49] This stems from a variety of factors, including inaccessible entrance exams, challenges in obtaining reasonable accommodations while studying the law, the negative attitudes of prospective employers towards hiring candidates with disabilities, and employment discrimination experienced by those who do obtain legal jobs.[50] As such, studies have shown that law students, alongside other disabled students, are less likely to apply to enter higher education and experience higher drop-out rates than non-disabled students.

Another often omitted dimension of legal empowerment that particularly impacts disabled people is the exercise of legal capacity. This is commonly understood as the conference of legal personhood that enables an individual to make decisions within legal contexts that directly impact their lives, often related to health, family, finances, and other issues. Article 12 of the CRPD defines the contours of legal capacity, directing States Parties to "reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law; "enjoy legal capacity on an equal basis with others in all aspects of life; and "take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity."[51] Still, in many country contexts, the legal personhood of disabled people is not universally recognized, denying many individuals of access to voting, healthcare decision-making, the ability to direct litigation in which they are a party, and more.

Some parties to the CRPD have made strides in expanding the exercise of legal capacity of disabled people.[52] However, there has been limited study of the impact of these efforts. Efforts have also been made to critically understand supported decision-making in order to identify the most effective models. To frame existing research on supported decision-making and build the foundation for future research, studies have been characterized based on two key questions—the utilization of supported decision-making (*i.e.*, who uses it, and when), and the substantive and procedural outcomes of supported decision-making.[53] Monitoring of Article 12 has given rise to an impetus for the study of legal capacity, but an initial review of the literature reveals that more evidence is sorely needed.

Evidence that can aid in maximizing the legal capacity of disabled people must necessarily walk hand in hand with an assessment of their legal capabilities across various types of justiciable problems. In other words, disabled people must not only be conferred with the agency to make their own legal decisions, but must also possess the "knowledge, skills, and attributes required to decide whether and how to use the law and legal processes."[54] The Australian Public Understanding of Law Survey (PULS) discussed above measured five dimensions of legal capability: (1) perceived relevance of law (the extent to which people understood the law as relevant to common problems); (2) general legal knowledge (the extent to which people knew the content of the law); (3) practical legal literacy (the extent to which people had foundational skills for tasks, like dealing with forms, etc.); (4) digital legal capability (whether people had done or could do some of the tasks required to deal with legal issues online); and (5) general legal confidence (people's confidence in achieving a fair outcome they would be happy with when dealing with an escalating legal problem).[55] As also noted above, the PULS examined the legal capabilities of individuals with certain types of disabilities as compared with caregivers of such persons, identifying a gap in legal literacy. Replicating this approach both within legal needs surveys and in more targeted empirical studies related to access to justice for disabled people would dramatically deepen knowledge about the justice experiences of disabled people and move toward new solutions to strengthen legal empowerment.

2.4. Justice Experiences and Outcomes

As noted above, lack of clear methodological approaches to collecting and analyzing data disaggregated by disability status in justice contexts has rendered it challenging to deeply understand the procedural and substantive outcomes of disabled people in the resolution of justiciable legal problems. A global scan of available literature on this topic is necessary. However, examination of a recently-conducted U.S.-based literature review presents an exemplar of what is possible and identifies common evidence-building opportunities that likely exist across country contexts.

In 2023, the Rand Corporation conducted an environmental scan of academic and gray literature from the past 15 years related to the experiences of disabled people who encounter the civil and criminal justice systems in the United States.[56] The findings of this study offer a framework for developing similar reviews globally and at the national and regional levels. Overall, the literature scan found significant variability in the way disability was defined and demonstrated that research tended to concentrate on a small number of topics and methods, leaving many gaps. Fifty-six percent of articles represented the experiences of individuals with intellectual disabilities, while 28% of articles focused on those with developmental disabilities, and 24% dealt with cognitive disabilities.[57] Sensory and mobility disabilities were less commonly addressed.[58] Articles also varied with the level of detail and analysis they provided for certain disabilities, with some presenting in-depth analysis of a single group within a specific context, while others covered a broader group with a lower level of specificity.[59] An overwhelming 90% of the literature focused on the criminal legal system (specifically, capital punishment and incarceration of disabled people), while less than 10% focused on the civil legal system.[60] The environmental scan was supplemented with in-depth qualitative interviews featuring legal system professionals, disabled people with lived experience of justice system involvement, and the family members of disabled people.

3. A Research Agenda for Disabled Justice

This initial analysis of available data, research, and evidence on the state of access to justice for disabled people creates the opportunity to build a robust, multi-pronged global research agenda. A review of available evidence reveals gaps across all three aspects of disabled justice—access to the law, access to legal processes, and access to just outcomes. There is also further scope to explore people-centered methodological approaches, including data disaggregation that is possible through over-sampling in large data sets; in-depth qualitative studies that explore the experiences of particular sub-groups and/or specific aspects of the justice experience; community-based, participatory approaches that enabled justice-impacted disabled people to shape the research agenda; and data linkage strategies that enable analysis of experiences and outcomes across the justice continuum. Identifying the appropriate methodological approaches that correspond with particular research questions will encourage a people-centered approach to advancing disabled justice. Additionally, at a threshold level, there is a need to develop a standardized methodology for the identification of disability in the civil and criminal justice contexts. This can enable the disaggregation of data on procedural and substantive justice needs, barriers, and outcomes, both in the context of census and survey data collection and within justice systems themselves (*e.g.*, law enforcement data, court data, alternative dispute resolution data, data on prisons/jails, etc.).

When it comes to accessing the law, further research should focus on evaluating the efficacy and impact of providing accessible information and communication related to legal rights and mechanisms for identifying and resolving justiciable legal problems. This will foster knowledge about the ability of disabled people to fully vindicate rights and actualize resolution to their legal problems. Further study is also necessary to understand the ability of disabled people to exercise legal capacity, including the impact of mechanisms such as guardianship that restrict such legal capacity and the efficacy of interventions like supported decision-making and other tools for realizing legal personhood. As described above, in an effort to assess the viability of supportive decision-making models in the United States, one survey of existing empirical research assessed the internationally available evidence regarding supportive decision-making utilization, outcomes, and the relationship between utilization context and observed outcomes.[61] Such assessments of available evidence both regarding the relationship between justice information, justice system utilization, and outcomes, as well as the exercise of legal capacity will offer a range of methodologies for addressing related research questions and reveal remaining evidence gaps.

Research on the representation and inclusion of disabled people among legal system actors and the attitudes of these key players towards disability holds promise in terms of identifying solutions for eradicating ableism within justice systems. Those who regulate the legal profession should work with researchers to study the representation of disabled people among justice system actors, including the judiciary, the legal profession, justice workers, and others, including the impact of that representation (or lack thereof) on the operation of justice systems. This has been attempted in the United States through a partnership between researchers and the American Bar Association, who conducted a longitudinal analysis that, among other things, used mixed methods to assess perceptions of bias and discrimination as well as mitigation strategies to combat such bias and discrimination among attorneys with disabilities.[62]

Evidence is also necessary to assess the awareness and attitudes of justice system actors with respect to disabled people and their rights. Similar studies have been conducted to assess the attitudes of physicians towards disabled patients, resulting in new efforts to educate physicians about the disabled experience and eradicate biases that result in inequitable medical care.[63] Researchers, legal educators, and regulators of legal and other related professions should also evaluate the availability and efficacy of training for justice system actors on the rights and appropriate treatment of disabled people in justice systems. This was attempted, on a small scale, through a survey of immigration practitioners in the U.S. regarding their knowledge of disability rights and accessibility practices in the context of client advocacy.[64]

Research on access to legal processes for disabled people must become more expansive. It must include a greater diversity of disabled populations, including those with sensory and mobility disabilities. It must not only catalogue existing policies, but also closely evaluate the implementation of those policies to identify gaps and make improvements. The National Center on Access to Justice's Justice Index offers a valuable model for cataloguing state court disability policies and comparing them across jurisdictions; however, further empirical research into the implementation and ultimate outcomes of these policies from the perspective of disabled litigants, jurors, and other justice system actors will offer concrete pathways to improvement.[65] Justice institutions and those who deliver legal services should develop approaches to collecting and analyzing data related to the request and provision of procedural accommodations within the civil and criminal justice contexts, as well as the impacts of physical and digital institutional design on accessibility.

There are also significant evidence gaps with respect to disabled people's short- and long-term justice outcomes. These include the direct outcomes of formal and informal resolution of legal problems, as well as longitudinal outcomes related to democratic participation, inclusive development, and poverty alleviation. To this end, researchers and government actors must collaboratively assess the state of administrative disability data, and study approaches for harmonizing and connecting data sets to better understand the impact of access to justice on political, social, and economic outcomes for disabled people. Moreover, this data collection and analysis should take an intersectional approach, enabling the examination of multiple and compounding experiences of marginalization on procedural and substantive justice outcomes.

This was attempted in the United States through the federal government's establishment of the Equitable Data Working Group in 2021.[66] The Disability Data Interagency Working Group (DDIWG) was established as an offshoot of the Equitable Data Working Group in order to improve disability data collection, identify disparities in the experiences of disabled people across various aspects of life (*e.g.*, education, healthcare, employment, etc.), promote data privacy and security, and engage advocates and researchers in improving the scope and availability of disability data across federal agencies.[67] The DDIWG produced the first-ever Federal Evidence Agenda on Disability Equity, which includes a provision dedicated to building the evidence base related to the access to justice experiences of disabled people.[68] The development of similar evidence agendas focused specifically on access to justice and centering the justice experiences of disabled people, both within and across country contexts, offers an entry point into coordinated global evidence building for disabled justice.

Conclusion

Disability touches the lives of billions of people across the globe. The law has offered solutions to protect the human rights of disabled people and enable their thriving on equal footing with others, but it has also erected barriers to the resolution of legal problems that impact their family life, health, and economic welfare. The law has also been used as a tool to institutionalize, criminalize, and otherwise segregate disabled people because of their perceived deviance from a socially-constructed "normate."[69] Despite, and indeed, because of this marginalization, disabled people have brought innovation to the design of the built and digital environments, yielding inclusive spaces for all types of bodies and minds. Using data, research, and evidence to harness the justice experiences and outcomes of disabled people will expand the potential of this genius towards a truly people-centered justice ecosystem.

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Qudsiya Naqui is Assistant Professor of Law at the University of the District of Columbia David A. Clarke School of Law. Her work aims to center disability justice as a tool to catalyze transformative cultural, legal, and policy change for a more just, accessible, and equitable society. Prior to joining UDC, Professor Naqui served as Senior Counsel in the Office for Access to Justice at the U.S. Department of Justice, where she developed the first-ever federal learning agenda on access to justice to drive evidence-based policymaking across federal agencies. Prior to federal service, she was an Officer with The Pew Charitable Trusts Courts and Communities project, where she led empirical research on the intersection of courts and technology. Professor Naqui also leverages media-making to advance civic engagement. She created, produces and hosts Down to the Struts, an acclaimed podcast about disability, design, and intersectionality. Professor Naqui is a 2025-2026 USC Annenberg Innovation Lab Civic Media Fellow. Her work has appeared in Vox, Oxford University Press, the UCLA Law Review, and the Disability Visibility Project. She holds a JD from Temple University Beasley School of Law and a BA in political science and human rights from Barnard College.

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[1] Note the use of both “person-first” and “identity-first” language throughout this white paper. Person-first language refers to phrases like “person with a disability,” emphasizing an individual’s personhood first, and not defining them based on their disability status. Identity-first language refers to phrases like “disabled person,” which acknowledges disability as a critical component of one’s identity. UN guidelines favor person-first language in reference to disability, however, the author has opted to predominantly use identity-first language to acknowledge disability as an inherent and important aspect of the human experience. She humbly acknowledges that views regarding language vary widely within the disability community, and the choice of language here reflects her own personal preferences as an individual who identifies as disabled. *See Disability Language Style Guide*, Nat’l Ctr. on Disability and Journalism, https://ncdj.org/wp-content/uploads/2021/08/NCDJ-STYLE-GUIDE-EDIT-2021-SILVERMAN.pdf (last visited Nov. 2, 2025).

[2] *Disability*, World Health Org. (Mar. 8, 2023), https://www.who.int/news-room/fact-sheets/detail/disability-and-health.

[3] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, pmbl. (e).

[4] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 1.

[5] Americans with Disabilities Act of 1990, Pub. L. 101-336, § 102, 104 Stat. 327, 331, Sec. 12102 (1990).

[6] *See, e.g., Curb Cut Effect – Definition and Explanation,* Oxford Rev., https://oxford-review.com/the-oxford-review-dei-diversity-equity-and-inclusion-dictionary/curb-cut-effect-definition-and-explanation/ (last visited Nov. 4, 2025).

[7] James I. Charlton, Nothing About Us Without Us (1998). The slogan, “[n]othing about us without us,” was coined in 1993, first becoming the clarion call of the South African disability rights movement. *See id.* at 3. It has since become a global disability rights slogan. *Id.* at 3-4.

[8] Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities and the Legal System*, 17 ILSA J. Int’l & Compar. L. 281 (2011); Eilionóir Flynn, Disabled Justice? Access to Justice and the UN Convention on the Rights of Persons with Disabilities (Routledge 1st ed. 2017).

[9] Erika Harrell, *Crime Against Persons with Disabilities, 2009–2019 – Statistical Tables*, U.S. Dep’t of Just. (Nov. 2021), https://bjs.ojp.gov/content/pub/pdf/capd0919st.pdf.

[10] Lauren M. Maruschak, *Survey of Prison Inmates, 2016 Disabilities Reported by Prisoners*, U.S. Dep’t of Just. (Mar. 2021), https://bjs.ojp.gov/content/pub/pdf/drpspi16st.pdf.

[11] *Access to Justice is Disability Access*, U.S. Dep’t of Just., https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf (last visited Nov. 4, 2025).

[12] *Access to Justice is Disability Access*, U.S. Dep’t of Just., https://www.justice.gov/d9/2023-12/access_to_justice_is_disability_access_fact_sheet.pdf (last visited Nov. 4, 2025).

[13] Org. for Econ. Coop. & Dev. (“OECD”), *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498 (adopted July 12, 2023).

[14] OECD, *OECD Framework and Good Practice Principles for People-Centred Justice*, 12 (OECD 2023).

[15] Sagit Mor, *With Access and Justice for All*, 39 Cardozo L. Rev. 611 (2017).

[16] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 9.

[17] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 9.

[18] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 13.

[19] Sagit Mor, *With Access and Justice for All*, 39 Cardozo L. Rev. 611 (2017).

[20] Global Disability Summit, *Global Disability Inclusion Report: Accelerating Disability Inclusion in a Changing and Diverse World* (UNICEF 2025), https://www.globaldisabilitysummit.org/wp-content/uploads/2025/03/GIP03351-UNICEF-GDIR-Full-report_Proof-4.pdf.

[21] *Id.*

[22] The Washington Group Short Set on Functioning (WG-SS), Washington Grp. on Disability Stats. (Mar. 19, 2020), https://www.washingtongroup-disability.com/fileadmin/uploads/wg/Documents/Questions/Washington_Group_Questionnaire__1_-_WG_Short_Set_on_Functioning.pdf.

[23] *Id.*

[24] Global Disability Summit, *supra* n. 20.

[25] *Id.*

[26] Sophie Mitra & Jaclyn Yap, *The Disability Data Report* (Fordham Rsch. Consortium on Disability 2022), https://www.disabilitydatainitiative.org/wp-content/uploads/2022/Main_text_2022_Disability_Data_Report.pdf.

[27] Global Disability Summit, *supra* n. 20.

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] Question Sets, Washington Grp. on Disability Stats, https://www.washingtongroup-disability.com/question-sets/ (last visited Nov. 5, 2025).

[32] How Disability Data are Collected from The American Community Survey, U.S. Census Bureau, https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html (last visited Nov. 5, 2025).

[33] Amanda Hermans, Sarah Morriss, and Susan J. Popkin, *An Opportunity for the Census Bureau to More Accurately Estimate the Disabled Population in the US* (Urban Institute 2024), https://www.urban.org/sites/default/files/2024-02/An_Opportunity_for_the_Census_Bureau_to_More_Accurately_Estimate_the_Disabled_Population_in_the_US.pdf.

[34] American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

[35] American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

[36] American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), at 14 https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

[37] American Bar Foundation, *State of the Art in Civil Legal Needs Surveys: A Comparative Perspective* (2025), at 18-20 https://www.americanbarfoundation.org/wp-content/uploads/2025/05/State-of-the-Art-in-Civil-Legal-Needs-Surveys_Final.pdf.

[38] Miguel Emilio La Rota et al., *Encuesta Nacional de Necesidades Jurídicas y Acceso a la Justicia: Marco Conceptual y Metodológico,* at 10 (Dejusticia 2012) (Colom.).

[39] Department of Justice Canada, *The Canadian Legal Problems Survey* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html#main-content.

[40] *See* Department of Justice Canada, *Serious Problems Experienced by People with Disabilities Living in Atlantic Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdac-phca/docs/RSD_RR2021_Persons_with_Disabilities_Atlantic_Canada_EN.pdf; Department of Justice Canada, *A Qualitative Look at Serious Legal Problems for People with Disabilities in Central Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdcc-phcc/docs/RSD_RR2021_Persons-with-Disability-Central-Canada-EN.pdf; Department of Justice Canada, *Serious Problems Experienced by Diverse People with Disabilities: Western Canada* (2021), https://www.justice.gc.ca/eng/rp-pr/jr/pwdwc-phcw/docs/RSD_RR2021_Persons_with_Disabilities_Western_Canada_EN.pdf.

[41] Kathryne M. Young & Katie R. Billings, *An Intersectional Examination of U.S. Civil Justice Problems*, 3 Utah L. Rev. 487 (2023).

[42] Jhody Polk & Tyler Walton, *Legal Empowerment is Abolition*, 98 N.Y.U. L. Rev. Online 282, 283 (2023), https://www.nyulawreview.org/wp-content/uploads/2023/06/NYULawReview98_PolkWalton.pdf.

[43] Flynn, *supra* n. 8.

[44] Huan-Wen Chen, *Legal Remedy and Judicial Power for Involuntary Hospitalized Psychiatric Patient Seeking to be Discharged: Empirical Studies in Taiwan*, National Yang Ming Chiao Tung University (2025).

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[45] Arsalan Vahidi & Rana Sadeghpour, *Dimensions of Legal Accessibility for Persons with Disabilities in Public Services*, 2 J. Hist. Rsch. L. & Pol'y 28 (2024), https://jhrlp.com/index.php/jhrlp/article/view/48#pkp_content_main.

[46] Bahareh Noormohammadi, *Perceptions of Inclusive Legal Frameworks Among Disability Advocates*, 2 J. Hist. Rsch. L. & Pol'y 37 (2024), https://jhrlp.com/index.php/jhrlp/article/view/49.

[47] Nermeen Arastu & Qudsiya Naqui, *Standing on Our Own Two Feet: Disability Justice as a Frame for Reimagining Our Ableist Immigration System*, 71 UCLA L. Rev. 236 (2024), https://www.uclalawreview.org/standing-on-our-own-two-feet-disability-justice-as-a-frame-for-reimagining-our-ableist-immigration-system/.

[48] Harold E. Yiker, *Disability and the law: Attitudes of police, lawyers, and mental health professionals*, 31 Rehab. Psych. 13 (1986), https://psycnet.apa.org/doiLanding?doi=10.1037%2Fh0091521.

[49] Peter Blanck et al, *Diversity and Inclusion in the American Legal Profession*, 23 UDC L. Rev. 23 (2020).

[50] Flynn, *supra* n. 8.

[51] Convention on the Rights of Persons with Disabilities, Dec. 13, 2006, 2515 U.N.T.S. 3, art. 12.

[52] Alberto Vásquez Encalada, *The Potential of the Legal Capacity Law Reform in Peru to Transform Mental Health Provision*, *in* Mental Health, Legal Capacity, and Human Rights 124 (2021), https://www.researchgate.net/publication/354029939_The_Potential_of_the_Legal_Capacity_Law_Reform_in_Peru_to_Transform_Mental_Health_Provision.

[53] Nina A. Kohn et al., *Supported Decision-Making: A Viable Alternative to Guardianship?*, 117 Penn St. L. Rev. 1111 (2013).

[54] Victoria Law Found., *The Public Understanding of Law Survey Volume 3: A New Perspective on Legal Need and Legal Capability*, at 1 (2025).

[55] *Id.* at 2.

[56] *Id.*

[57] *Id.*

[58] *Id.*

[59] *Id.*

[60] *Id.*

[61] Nina A. Kohn et al., *Supported Decision-Making: A Viable Alternative to Guardianship?*, 117 Penn St. L. Rev. 1111, 1130 (2013).

[62] Peter Blanck et al., *Diversity and Inclusion in the American Legal Profession*, 23 UDC L. Rev. 23 (2020).

[63] *See, e.g.*, Lisa I. Iezzoni, MD, MSc. et al., *Physicians' Perceptions of People with Disability and their Health Care*, 40(2) Health Aff. 297 (2021).

[64] Arastu & Naqui, *supra* n. 47.

[65] *Disability Access*, Nat'l Ctr. for Access to Just., https://ncaj.org/state-rankings/justice-index/disability-access (last visited Nov. 6, 2025).

[66] Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 16, 2023).

[67] Notice of Availability and Request for Information; Federal Evidence Agenda on Disability Equity, Request for Information, Office of Science and Technology Policy, 89 Fed. Reg. 46924 (May 30, 2024).

[68] Disability Data Interagency Working Group of the National Science and Technology Council, *Federal Evidence Agenda on Disability*, Exec. Off. of the President (2025), https://bidenwhitehouse.archives.gov/wp-content/uploads/2025/01/Federal-Evidence-Agenda-on-Disability.pdf.

[69] Rosemarie Garland Thomson, Extraordinary Bodies (Columbia University Press 20th Anniv. Ed. 2017).