



#WhatWENeed

Justice Denied due to Disability: Access to Justice for Persons With Psychosocial and Intellectual Disabilities

By Monirul, Human Rights Defender and Founder of the Mindful Rights Project

For as long as memory stretches, people with psychosocial and intellectual disabilities have been pushed to the margins of society by discriminatory systems that impose indignity, silence, and dehumanization. Across cultures, generations, and entire civilizations, their lives have been marked by indignity and forceful silence. They have endured violence not as an aberration but as an expectation due to oppressive systems. Their existence has been treated as less than human — an afterthought, a burden, a problem to be managed rather than a person of equal worth.

And yet the most striking part of this story is not the violence itself. It is the way society has accepted it.

In many parts of the world, violence and abuse against persons with psychosocial and intellectual disabilities have been normalized. This is not only a legal failure. It is a moral one.

It is not disability that creates vulnerability to violence, but discriminatory attitudes, legal barriers, and exclusionary systems that place persons with psychosocial and intellectual disabilities at risk.

A Landscape of Violence That Few Recognize

Much has been written about access to justice for persons with psychosocial and intellectual disabilities. But the discussion has been dominated almost entirely by legal procedural reforms. Rarely do we step back and examine the *entire* landscape of violence in all its forms and varieties.

The UN Committee on the Rights of Persons with Disabilities recently conducted the Disability-Based Violence Survey to collect lived experiences and inform an upcoming human rights document. The survey is especially useful because its questions illustrate what constitutes violence under the UN framework — a critical starting point in societies where violence becomes normalized within families and institutions, to the point that society often refuses to recognize it, even when survivors are clearly expressing harm.

According to the survey, violence falls into multiple broad categories:

- Psychological violence
- Physical violence
- Sexual violence

- Economic violence
- Domestic violence
- Digital-assisted or technology-facilitated violence

Some forms may not appear to be violent at first glance. That is why it is important to highlight specific examples.

Under **psychological violence**, the survey mentions discriminatory labels and slurs, being called a burden, exclusion from family activities, not being allowed to choose clothing or food, infantilization, humiliation, gaslighting for being “sick,” threats of institutionalization, or restricting freedom of movement within one’s home or institution.

Under **economic violence**, examples include deprivation of property, loss of employment opportunities, and denial of control over one’s finances or disability benefits.

Domestic violence can include forced dependency through controlling behaviour or mobility restrictions.

Digital-assisted violence includes tracking someone’s movements through software without consent, restricting access to phones or email, cyberbullying, online harassment, identity theft, or unauthorized sharing of electronic records.

Beyond these, the CRPD identifies:

- **Compound and exacerbated forms of violence** — for example, confinement combined with multiple types of mistreatments, or violence enabled by state law or policy.
- **Intersectional violence** — where violence is shaped by two or more personal characteristics, compounding the harm. For example: being a person with a disability and Indigenous, or a woman with a psychosocial disability.

Violence can come from many sources: family members, friends, caregivers, coworkers, public servants, or strangers. It can occur in homes, institutions, schools, workplaces, immigration facilities, online spaces — anywhere.

Its impacts are often severe and lifelong. Trauma resulting from violence is not inherent to disability but is produced by abuse, neglect, and rights violations.

The survey also highlights barriers to remedies: lack of awareness, inability to access remedies, or authorities simply refusing to recognize the act as violence at all.

Put together, a simple truth emerges: **Most survivors have no pathway to justice because most forms of violence against them have no recognition and no remedy.**

No Right, No Remedies

A just system must guarantee at least four basic remedies:

1. Stopping the violence
2. Ensuring it does not happen again
3. Holding perpetrators accountable
4. Compensating survivors and supporting rehabilitation

In many countries — including Bangladesh — for many forms of violence, none of these remedies exist. There is often no way to stop the violence, prevent its recurrence, pursue punishment, or obtain compensation.

It is also important to recognize that the legal system is not always the appropriate place to address every form of violence. Some forms are better handled through social work — for example, relocating a person facing infantilization to another independent living space with adequate supports, or involving a trusted peer (chosen and decided by the person with disability) to ensure a person's finances are not being fully controlled by family.

Where Do We Go From Here?

Solutions will not come from a single article or a single perspective. What is needed is a broad conversation involving, most importantly, persons with psychosocial and intellectual disabilities along with jurists, mental health professionals/service providers, lawyers, journalists, policymakers and community persons.

What is clear is that we need more **survivor-centred and trauma-informed** discussions to identify practical solutions to the various forms of violence and abuse faced by persons with psychosocial and intellectual disabilities. Survivors must lead this discussion. Their voices must carry the most weight.

Practical solutions are essential. For forms of violence that are better addressed outside the plaintiff-versus-defendant courtroom model, a manual could be developed with practical remedies that could be implemented by a state agency. Justice systems must recognize the legal capacity of persons with psychosocial and intellectual disabilities and ensure access to supported decision-making where needed, rather than substitute decision-making.

Ultimately, we must keep our eyes on the end goal: that survivors feel justice has been done — that there is wholeness, reparation, and closure.

To begin this conversation, here are two major recommendations intended as starting points for discussion, not final conclusions.

Recommendations

1. A National Disability Rights Commission

A dedicated, independent national body is needed to protect and uphold the human rights of individuals with psychosocial and intellectual disabilities. This commission must be grounded in a human-rights-based approach and guided by the CRPD, with leadership from OPDs of persons with psychosocial and intellectual disabilities, alongside other human rights experts.

Its mandate would include:

- Proactively identifying cases of violence and abuse
- Publishing annual reports, anonymized case studies, and statistics on violence
- Operating a complaint mechanism accessible to survivors, caregivers, or anyone else

Once a complaint is filed, the first point of contact should be a trained peer supporter or human-rights advocate chosen by the survivor, ensuring safety, autonomy, and trust. Survivors should never be required to speak first to police or medical professionals if that does not feel safe to them. From there, the survivor is supported to connect with independent legal aid, human rights defenders, gender-based violence services, or any other avenue they choose.

Psychologists or other professionals may participate at the request of the survivor not as mandatory gatekeepers or first responders. Their role is supplementary, not central.

If the remedy involves engaging a prosecutor, the lawyer would arrange that. If the violence is best addressed through another method, the commission would coordinate that process, either directly or through cooperation with another agency, with survivor-led consent and control.

The support would be provided free of charge to those unable to afford it. Their role is not therapy or legal casework — it is guiding survivors in the right direction.

The commission should also create guidelines for police, doctors, judges, and criminal justice officials, in line with the CRPD and upholding the legal capacity of persons with psychosocial and intellectual disabilities.

2. The Manual

Persons with psychosocial and intellectual disabilities, representatives, lawyers, jurists, judges, and journalists must come together to create a **manual of practical remedies for violence**. Survivors must be at the forefront of this process.

The manual should address:

- Preventing violence
- Stopping violence
- Ensuring non-recurrence

- Punishing offenders where appropriate
- Compensating and rehabilitating survivors

It should identify which forms of violence should be addressed under criminal, civil, or administrative law — and which should be handled through practical interventions by the commission.

The debate on this is crucial. Some forms of violence may require remedies that are not solely legal, because criminal processes can be misused or lead to further institutionalization. Hence, survivor-centred administrative and community-based responses may offer safer alternatives.

Conclusion

Access to justice is more than entry into a courtroom. It is the right to live free from violence, abuse, and indignity. It is the right to have one's voice heard and one's pain taken seriously — and to be made whole again.

For persons with psychosocial and intellectual disabilities in many countries, this right has remained distant — more promise than reality.

The state has a vital role to play. By establishing a Mental Health Rights Commission and supporting the development of the Manual, it can take a small but meaningful step toward a much larger goal: **access to justice for all**.

Because persons with psychosocial and intellectual disabilities deserve justice, on an equal basis with others.

About the Author

By Monirul

Monirul is a human rights defender and the founder of Mindful Rights, an independent initiative focusing on some of the most neglected human rights issues in Bangladesh — including mental health and psychosocial disability rights among other topics.
