



Barriers to Legal Services

People who have communication disabilities and who use augmentative and alternative communication (AAC)* may experience a number of barriers when accessing legal services. In addition to physically accessing buildings and offices for legal services, they may experience barriers relating to attitude, communication, privacy, paying for services etc. People who use AAC have individual needs and may or may not experience some of the barriers mentioned here.

Attitudinal Barriers

People are often suspicious or afraid of anyone who looks or does things differently. People who use augmentative and alternative communication (AAC) may meet with attitudinal discrimination and often experience social rejection. They may be presumed to be incompetent in every way. As a result, legal staff may react to a person who uses AAC with pity, curiosity or exaggerated attentiveness, rather than with a genuine interest in what needs to be done to facilitate his/her participation. Negative attitudes underlie the continued existence of all barriers.

Negative stereotyping can contribute to the censoring of information and the inaccessibility of legal services and advice. It devalues a person's dignity, increases their risk of victimization and denies their right to equal services.

People who use AAC may experience a lack of understanding on the part of staff working in the justice system on issues related to disability.

Physical Barriers

People who use AAC and who also use wheelchairs/scooters, may be physically unable to access a building, office or washroom.

Transportation Barriers

People who use AAC and who live with physical disabilities may need to use wheelchair transit systems. Oftentimes these services are unreliable, inflexible or unavailable at the times the person needs them. They may need to book their transportation days in advance. Accessible transportation services may not be flexible in rescheduling a pick-up when the person's appointment time runs over or is late. Due to the unreliability of these services, appointments and/or hearings may have to be cancelled or postponed.

People who use AAC may need to rely on family members or attendants to make telephone calls to book their transportation arrangements. The person's privacy may be compromised not only with the person who makes the phone call but also with the bus driver and other travelers on the bus.

Information

The person using AAC may not have the background knowledge or experience to recognize the need for legal services. He/she may have little or no information about human rights, abuse, crimes or the role of the legal community. This is especially true when the person is a victim of abuse or violence by their partner or primary caregiver,

who may control the person's access to information.

Depending on many factors, (i.e. past experiences, personalities, abilities, opportunities, support networks, education etc.) people who use AAC have very different experiences in knowing their rights, making decisions, problem solving and self-advocacy.

Personal Assistance Barriers

Many people who use AAC require assistance with personal care services such as putting on/ taking off a coat, going to the washroom, having a snack etc. Not all people who use AAC have such supports in their lives and due to the confidential nature of legal services, the person who uses AAC may not want to bring an attendant who works with them to these meetings.

Privacy Barriers

People who use AAC may feel that they cannot privately access legal services because they rely on others to make the appointment, arrange the transport, read the materials, support them in navigating services, and assist in communicating with the legal staff. They may have nobody that they can trust who can discreetly support them in these areas.

Financial Barriers

Because of limited income (often only social assistance), people who use AAC may not be able to pay for their own lawyer or be able to cover costs needed for providing documentation necessary for their case.

Legal Aid Barriers

People who use AAC may experience difficulty obtaining a legal aid certificate and may have to rely on someone else to make phone calls and advocate on their behalf. Legal aid certificates do not provide sufficient funding for a person who uses AAC to communicate with a legal professional. In addition, lawyers may not have information on common issues experienced by people with disabilities.

Communication Barriers

People who use AAC represent a diverse population and have different skills, AAC systems and support networks. They may or may not experience communication barriers with legal professionals. Communication barriers can occur when:

- The legal professional does not know how the client communicates
- The client does not have a person who can facilitate their communication with the legal professional
- The client does not have the vocabulary they need to communicate
- The client cannot communicate in full sentences
- The client does not have access to their AAC system
- The client has difficulty understanding legal terminology and what is being said
- The client is not given the time he / she needs to communicate
- The client feels his / her privacy is compromised

- The client is not listened to or believed
- The client cannot communicate effectively using the telephone
- The client cannot read and or understand documents, contracts, brochures etc.

Resources:

www.accpc.ca - Equal Justice Project¹

This document is part of a series of resources.

* Augmentative and Alternative Communication (AAC) refers to communication systems that people use to communicate. AAC includes picture, word and / or letter boards and voice output devices. People use AAC systems in different ways.

¹ Resources for Legal Professionals