



Inclusive Courts Checklist

Introduction

Courts and justice systems worldwide are undergoing a significant digital transformation. They are investing in technology to support core functions, e.g. e-filing and document systems, digital case management systems, remote collaboration tools, digital payment systems, video conferencing and virtual presence, etc. These technology investments can help courts and justice systems cut costs and increase efficiencies, but it is not clear that today they are supporting digital inclusion and access to justice for persons with disabilities. While many courts and justice systems are working to address accessibility obstacles within the built or physical environment, [a recent survey](#) reveals that less than half provide technology and solutions to support digital inclusion. Many court administrators surveyed worldwide were unaware that new and innovative solutions like automatic transcripts and captions, remote collaboration tools, and video conferencing have the potential to address longstanding barriers to inclusion in courts for persons with disabilities.

Without a clear commitment to digital accessibility, justice systems risk deepening the digital divide for persons with disabilities and creating new obstacles to justice for them. When justice systems invest in digital technologies that are accessible and leverage new and emerging technology in innovative ways, they can both meet their transformation goals and increase access to justice for all people.

State of Digital Inclusion in Courts

In 2019, G3ict partnered with the International Association of Court Administrators (IACA) [to survey its members](#) as well as other specialists working in or with courts about technology and access to justice. The results show that court professionals lack awareness about disability and knowledge of accessible technology. Court administrators know they need help to learn how to ensure they implement digital technology in a way that makes courts more accessible and inclusive. Of those court professionals surveyed,

- Few, just 16% of respondents, rated the accessibility of court technology deployments as high or very high. More than a third (38.36%) rated them as low or very low. For example, just 17% said that documents were available in accessible formats (i.e. formatted for use with a screen reader) and less than 10% pointed to the deployment of accessible mobile apps.
- Less than half, 40%, provide technologies to support the digital inclusion of persons with disabilities, while almost 75% of courts ensure the physical accessibility of their premises.
- An overwhelming majority said that today court procurement officials either do not or only inconsistently use ICT accessibility criteria when buying technology.

In 2018, [G3ict partnered with the International Disability Alliance](#) (IDA) to survey its members, disabled persons organizations (DPOs) worldwide, about technology and access to justice. A large majority of those DPOs surveyed - 84% - said persons with disabilities do not have access to the justice system that is equal to that of other citizens. 85% believe persons with disabilities face moderate to extreme barriers to the justice system and that those barriers have a significant impact on them.

Towards a More Inclusive Court System

G3ict and its partners in government, civil society, and industry are working to help judicial institutions at all levels integrate accessible information and communication technologies (ICT) into their policies and practices. The shared objective is to support in courts and justice systems an explicit and strong commitment to accessibility as an integral part of their ICT strategies and deployments, i.e. to ensure that their ongoing digital transformation supports greater inclusion and access to justice for persons with disabilities, not less.

To help courts align their own digital transformation with greater inclusion and access to justice for persons with disabilities, G3ict has created the following framework and suggested actions, the Inclusive Courts Checklist.

The Inclusive Courts Checklist includes 10 core capabilities that courts should develop to support a digital transformation that is accessible and inclusive. It provides 36 specific steps, or enabling activities, for developing these 10 core digital capabilities of inclusive courts. The goal with this Inclusive Courts Checklist is to support greater access to justice for persons with disabilities.

Inclusive Courts Checklist

10 Core Capabilities	Enabling Activities
<p>1. Digital inclusion strategy</p> <p>Inclusive courts develop and implement a digital inclusion strategy that optimizes for ICT accessibility, broad inclusion, and improving access to justice for persons with disabilities and older persons.</p> <p>Inclusive courts plan for court operations and services that are accessible, usable, and able to be personalized to support individual needs and abilities among employees and the public.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Develop and implement across all departments a formal digital inclusion strategy addressing broad connectivity, access, and digital skills. Include both process and outcome metrics specifically related to persons with disabilities and older persons (e.g. digitization of procedures, remote court appearances, online dispute resolutions) and benefitting persons with disabilities both among the general public and court employees. <input type="checkbox"/> Define persons with disabilities across various disability groups (e.g. including those who have long-term physical, mental, intellectual, or sensory impairments) as specific target beneficiaries in digital inclusion strategy work. Be sure to include people with non-visible disabilities and people who may have a temporary disability due to injury. <input type="checkbox"/> Identify discrete inclusion issues to be addressed for each disability group as part of its strategy. For example: <ul style="list-style-type: none"> <input type="checkbox"/> Can a person who is deaf participate in remote court appearances like video-enabled trial hearings? <input type="checkbox"/> Can a person who is blind use Online Dispute Resolution mechanisms or fill out a digital form? <input type="checkbox"/> Can a person with cognitive or intellectual and developmental disabilities use digital payment systems?

	<ul style="list-style-type: none"> <input type="checkbox"/> Document ICT accessibility and digital inclusion metrics that are well-defined, quantitative, and relate to specific disability groups and improved access to justice outcomes, e.g. tracking and systematizing accommodation requests.
<p>2. Leadership</p> <p>In an inclusive court, the leadership proactively advances both digital transformation and digital inclusion objectives and strategies to achieve greater access to justice for persons with disabilities.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Court leadership (e.g. official of a ministry of justice, official at court, prosecutor, judge, etc.) provide public commitments to the digital inclusion of and access to justice for persons with disabilities and older persons. <input type="checkbox"/> Court leadership builds coordination across multiple departments (e.g. Finance and Administrative Services, Planning and Court Services, Research and Information Services, Court Operations, Court Security, Finance, Human Resources, etc.) for the implementation of digital inclusion strategies. <input type="checkbox"/> Court leadership recruits disability groups, ICT industry, and citizens as part of external stakeholder processes to support improving ICT accessibility, digital inclusion, and access to justice.
<p>3. Budgeting</p> <p>The budget process in inclusive courts supports an innovative and integrated approach to improving ICT accessibility and digital inclusion, including in support of access to justice.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Implement a documented, detailed approach to request funding for ICT accessibility and digital inclusion activities. <input type="checkbox"/> Conduct annual multi-year financial planning and budgeting to support improving accessibility and digital inclusion court-wide (e.g. common programs, services, and infrastructures, updating legacy systems, maintaining design guides and standards, staffing, training, and helpdesk support). <input type="checkbox"/> Tie budget allocations for digital transformation programs and technology investments to impacts and metrics that include outcomes for persons with disabilities and older persons. Track accessibility and inclusion Return on Investments (RoI).
<p>4. Culture of inclusive engagement</p> <p>Inclusive courts demonstrate a culture of inclusive engagement by ensuring that diverse communities, including persons with disabilities and older persons, can use all methods of communication with the court, both traditional and newer.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Implement accessibility in traditional methods (e.g. websites, email) and/or newer channels (e.g. social media, mobile apps) to engage with stakeholders. <input type="checkbox"/> Create and use standard processes to verify that all disability groups can access established communication and feedback mechanisms and regularly test the accessibility of both newer and traditional channels of stakeholder engagement. <input type="checkbox"/> Proactively solicit (e.g. through public meetings, surveys, and social media) feedback and ideas from all disability groups to improve digital inclusion and access to justice.
<p>5. Culture of diversity</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Implement standard processes and policies to support greater diversity across court employee recruitment and hiring efforts (e.g. ensure digital recruiting channels are

<p>Inclusive courts create and sustain a culture of diversity to support achieving inclusion and access to justice goals and strategies. They develop a workforce that includes persons with disabilities and promotes disability awareness broadly across all court staff through training programs.</p>	<p>accessible, invite candidates with disabilities to apply via dedicated pathways, train hiring teams on disability etiquette and accommodations, publish policies for workplace adjustments, inform all new employees about disability employee resource groups and other supports, provide workplace adjustments supported by a centralized team and centralized funding).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Implement standard processes and policies for training all court staff on disability and inclusion. <input type="checkbox"/> Define points (e.g. new employee onboarding) where all staff must participate in disability and inclusion training. <input type="checkbox"/> Encourage staff to join accessibility focused professional associations (e.g. the International Association of Accessibility Professionals) as well as to acquire relevant accessibility certification, especially in the field of digital inclusion and ICT accessibility.
<p>6. Culture of transparency</p> <p>In an inclusive court, a culture of transparency is central to the digital inclusion of persons with disabilities and older persons. Transparency extends to providing information in accessible formats that all persons can readily understand.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Make information about accessibility, digital inclusion, and available accommodations publicly known. Proactively disseminate this information. <input type="checkbox"/> Define standard processes and policies to require that information is made available in accessible formats, for example, Braille, electronic formats, captions for videos, sign language interpreters, video relay, etc. <input type="checkbox"/> Put in place metrics and funding to ensure across all departments that information is available in accessible formats.
<p>7. Structure and organization</p> <p>An inclusive court structures itself in a way that allows it to effectively manage the topic of accessibility and digital inclusion and its relationship to court activities and access to justice efforts.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Provide budget and executive support for an organizational unit or named manager with a defined role to manage accessibility and digital inclusion. <input type="checkbox"/> Provide resources and mandate to a unit or named manager for producing accessibility and digital inclusion supports, training, standards, and advice for court departments and staff. <input type="checkbox"/> Define points where court departments and staff should consult with the unit or manager responsible for ICT accessibility and digital inclusion to ensure alignment with the court's overall agenda.
<p>8. Procurement</p> <p>An inclusive court makes accessibility a requirement in its ICT procurements and technology investments.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Develop and implement standard processes, policies, and guidelines for incorporating ICT accessibility and digital inclusion in the procurement and development process for technology products, services, and subcontractors. Regularly assesses whether accessibility and digital inclusion are improving. <input type="checkbox"/> Give preference to solutions that support accessibility and digital inclusion outcomes, e.g. increased participation and

	<p>easier communication. For example, some applications come with built-in assistive technology and tools that check the web and document accessibility.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Create processes and guidelines to determine vendor conformance with ICT accessibility standards and requirements prior to procurement (e.g. testing, audits, use of relevant, readily available artifacts such as checklists, and scoring/vendor evaluation documents). <input type="checkbox"/> Engage vendors proactively and directly on ICT accessibility and digital inclusion. <ul style="list-style-type: none"> ○ For more information see Procurement for ICTs for Inclusive Government and Public Sector: Guide for Engaging ICT Vendors
<p>9. Technology development and deployment</p> <p>Inclusive courts deploy accessible ICT infrastructure and related legal technologies. These assets are inclusive, broadly adopted, and usable by everyone, including persons with disabilities and older persons.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Create standard processes, guidelines, and defined metrics for developing and deploying accessible technology assets. <input type="checkbox"/> Perform accessibility assessments and audits of technology assets and deployments (developed and procured) using global ICT accessibility standards, e.g. EN 301 549, US Section 508, and World Wide Web Consortium’s (W3C) Web Content Accessibility Guidelines (WCAG) 2.1. <ul style="list-style-type: none"> ○ For more information see Guide to Implementing Priority ICT Accessibility Standards <input type="checkbox"/> Allocate centralized funding for remediation of accessibility issues. <input type="checkbox"/> Catalog accessibility and usability issues and remediations for continuous improvement and share best practices across departments. <input type="checkbox"/> Promote ICT innovation and the use of leading-edge technologies to address longstanding court accessibility and inclusion issues. For example, Artificial Intelligence (AI) and machine learning could help courts digitize important legal documents that, unlike paper or images, can be read by assistive technologies for persons with disabilities. Similarly, technology, including video and collaboration software as well as artificial and virtual reality, can support remote participation of persons with disabilities in court proceedings, including with live captioning to provide additional support for those with auditory and other disabilities. <input type="checkbox"/> Partner with disability organizations, access to justice organizations, industry, and academia on formalized and funded activities using ICT innovation and leading-edge technologies.
<p>10. Global standards</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Require use of global ICT accessibility standards to guide and inform ICT infrastructure technology plans and

<p>Inclusive courts recognize the importance of global ICT accessibility standards. They stay current with these standards, contributing to their development and maintenance and using them to both guide and inform technology plans and investments.</p>	<p>investments, e.g. EN 301 549 (EU); Section 508 of Rehabilitation Act of 1973 (United States) technical requirements, and WCAG 2.0/ISO/IEC 40500 (2013) and its updated version WCAG 2.1 (2018).</p> <ul style="list-style-type: none"> □ Formalize and fund standards training activities for court staff, e.g. IT and procurement professionals. □ Stay informed of updates to important global ICT accessibility standards. Partner with disability organizations, civil society, academia, and industry to support ICT accessibility standards awareness and training for external users, developers, and IT professionals.
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Background and Context

The [UN Convention on the Rights of Persons with Disabilities](#) (CRPD) recognizes the accessibility of ICTs both as a human right (Article 9) and as an enabler of other human rights. Article 13 requires states to ensure effective access to justice for persons with disabilities on an equal basis with others. 181 countries worldwide have ratified the CRPD. Many national and local laws, regulations, and policies align with these CRPD commitments as well with globally relevant ICT accessibility standards, such as those referenced in the checklist above. For ICT, accessibility is generally accepted as being the quality of a mainstream technology such as a computer, mobile phone, self-service kiosk, or piece of software, to be used by the widest range of users possible, regardless of their abilities or disabilities.

In 2018, at the 37th session of the United Nations Human Rights Council, the Office of the High Commissioner for Human Rights released a [report on the right to access to justice](#) under Article 13 of the CRPD. That report clearly lays out the legal basis for access to justice. It details how persons with disabilities today continue to face significant obstacles to accessing justice and underlines the CRPD principle that “equal and effective participation at all stages of and within every role within the justice system” is core to access to justice. In conjunction with this UN report, G3ict released a paper recommending eight interrelated strategies to help courts and justice systems leverage technology to support greater access to justice for persons with disabilities.

For more information about G3ict’s work to promote greater accessibility, inclusion, and access to justice as part of the digital transformation of courts worldwide, [visit our website](#).