

Article

'We Got Lucky with the Judge': Access to Justice for Disabled Women in Iceland

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Abstract: In this paper we aim to make a valuable contribution to the surprisingly limited body of research on access to justice for disabled women who have been subjected to violence. Using an interdisciplinary sociolegal approach, this paper carries out an empirical qualitative study of one Icelandic court case and draws on this to provide a critical analysis of access to justice issues for disabled women who have been subjected to gender-based violence. Much about this case suggests that it is a positive example of justice being accessed, and we identify a number of features of the case as particularly significant in this regard. We reflect on how these positive aspects of the case can inform initiatives to enhance access to justice for disabled women and highlight ways in which Icelandic justice processes could more firmly embed the international human rights standards set out in the UN Convention on the Rights of Persons with Disabilities.

Keywords: access to justice; disabled women; UN CRPD; violence; Iceland; court

1. Introduction

Violence against disabled women is a major human rights concern (Didi et al. 2016; European Union Agency for Fundamental Rights 2014). Indeed, it was described by the United Nations (UN) Committee on the Rights of Persons with Disabilities (CRPD Committee) as the first of “three main subjects of concern” regarding the protection of disabled women’s human rights (United Nations 2016, para. 10). Of grave concern is the fact that disabled women are at a higher risk than other women of experiencing violence (Manjoo 2012; Hughes et al. 2012; Krnjacki et al. 2016; UNFPA 2018); that they experience violence for longer periods of time than non-disabled women (Yoshida et al. 2009; Barrett et al. 2009); and that they experience a wider range of forms of violence (Nixon 2009). Most research on violence against disabled women has focused on the form and frequency of violence (Hughes et al. 2012; Arnalds and Snæfríðar-Gunnarsdóttir 2013; Snæfríðar-Gunnarsdóttir et al. 2023; Krnjacki et al. 2016; Corcoran and Smith 2016), how violence affects the mental and physical health of victims (Barrett et al. 2009; Olszowski and Boaden 2010; Macdonald 2015; McClimens and Brewster 2019; Rowlands and Amy 2017; Bergsveinsdóttir 2017; Haraldsdóttir 2017), and issues relating to their access to support services (Traustadóttir and Snæfríðar-Gunnarsdóttir 2014; Snæfríðar-Gunnarsdóttir and Traustadóttir 2015; Shah et al. 2016; Woodin and Shah 2014).

In its General Comment No. 3, the CRPD Committee drew attention to types of barriers to accessing justice which disabled women frequently face, including dismissive attitudes, harmful stereotypes, discrimination, failure to provide procedural and reasonable accommodations, and problematic reporting procedures which discourage the pursuit of legal redress (United Nations 2016, para. 52). Davis (2011) states that whilst there are disproportionately high rates of violence against disabled people, the rates at which such violence is reported to the police are disproportionately low. This draws attention to the under-reporting of violence by disabled people generally. One barrier to reporting, which Powers and Oschwald (2004) highlight as being particularly relevant to disabled women,



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is the lack of the support and socialisation needed in order to recognize certain types of behaviour (especially emotional or verbal abuse) as abusive and therefore as a wrong worthy of reporting. However, [Groce and Trasi \(2004\)](#) argue that even if the violence is reported, people working in the justice system (such as police, lawyers and judges) often have no knowledge of how to assist a disabled person, which reduces their capacity to manage the process effectively. Recent studies continue to highlight problems caused by the lack of training for justice system staff and call for change ([Byrne et al. 2021](#); [Gibbs et al. 2021](#); [White et al. 2021](#)). This said, there have also been some positive descriptions of perceived procedural justice, such as instances where police demonstrated awareness of autism and made appropriate accommodations, for example, by giving adequate time and space for a person with autism to gather their thoughts and express themselves ([Gibbs et al. 2021](#); [Ellem and Richards 2018](#); [Elliott et al. 2011](#)). Such examples remain few and far between, however, because (both in Iceland and other parts of the global north) there is still such little knowledge and understanding of disabled women's experiences of reporting and prosecution processes in cases involving violence against them.

To date, research focusing on access to justice for disabled women who have been subjected to violence remains surprisingly sparse. There is even less research focusing on the experiences of such women in connection with the reporting, investigation and prosecution of violence. This paper therefore aims to deepen understanding and expand knowledge of this topic. In particular, it aims to contribute to a new and more holistic understanding of the issues by approaching them through the lens of a detailed case study, tracking how a particular case unfolded from the time of detecting, reporting, investigating and prosecuting right through to the final outcome. This will involve presenting the experiences and perceptions of the disabled woman at the centre of this case, as well as those of other key actors. The woman will be referred to in this paper by the pseudonym of Mary.

Law journals have long published analyses of individual court cases. Such analyses generally employ doctrinal methods and skills; focus closely on official reports of the case in question; and situate the analysis within a broader legal or policy landscape. While the analysis we present shares this focus on a particular court case, which it situates within a broader legal and policy context, its primary source is interview data rather than an official transcript or reported judgement. Our approach is sociolegal and interdisciplinary—drawing on Law but also more broadly on Disability Studies and Gender Studies. Mary's case, and her experiences of accessing justice, are set against the backdrop of the human rights approach to this issue set out in the CRPD. We draw on insights from our analysis of Mary's case to reflect on applicable Icelandic law and practice and on steps that might be taken to embed relevant CRPD principles and requirements more securely within them. In this respect, our paper responds to the increasing calls for more research on disabled women who have been subjected to violence and for measures that will enhance their access to justice ([AHRC 2018](#); [Dowse et al. 2013](#); [Woodin and Shah 2014](#)).

We should stress that Mary's case has not been selected because it is typical or representative. Indeed, at the time of writing, this is one of only a small number of court cases concerning violence against a disabled woman which has progressed through the entire Icelandic justice system and resulted in a conviction. In many ways, it is the fact that the case is so unusual that makes it particularly interesting. We sought to investigate what it was about this case that made the experience a relatively positive one for Mary, despite the barriers to accessing justice so often faced by disabled women.

The paper begins by setting out the human rights approach to disability and introducing relevant provisions of the CRPD. It continues with a description of our research methods, data collection processes and sample population, which is followed by a discussion of the relevant Icelandic legislation and criminal procedures. Mary's case, and her efforts to access justice, will then be described. This will be followed by our detailed analysis of the case, in which we reflect on lessons that might be learned about securing and improving access to justice for disabled women subjected to violence.

2. The UN Convention on the Rights of Persons with Disabilities and Our Underpinning Human Rights Approach

The human rights approach to disability is both driven and supported by the CRPD (O'Mahony and Quinn 2017). It recognises disabled people as rights holders (Kanter 2014). The adoption of the CRPD represented a paradigm shift towards a new international acceptance of this understanding of disabled people (Degener 2016). The Convention encapsulates a human rights perspective on disability and combines it with a social model perspective (Degener 2016; Kanter 2006; O'Mahony and Quinn 2017; Lawson and Beckett 2021), becoming "the first human rights instrument which acknowledges that all disabled persons are rights holders, and that impairment may not be used as a justification for denial or restrictions of human rights" (Degener 2016, p. 1).

Gender-based violence against disabled women is a violation of the CRPD's rights to freedom from violence (Art. 16) and access to justice (Art. 13) for disabled women (Art. 6). Flynn and Lawson (2013) have drawn attention to the importance of analysing the CRPD's right to access justice contextually, having regard for its entanglement and overlap with other rights and CRPD provisions. Accordingly, this paper explores issues of access to justice as they intersect and connect with the CRPD's recognition of the right to be free from violence and its acknowledgement of the importance of intersectionality and the need for particular attentiveness to securing the rights of disabled women and girls. Thus, the analysis of the interlinkage of these three articles, and how they connect with the lived experience of disabled women in Iceland, is of central concern in this paper.

2.1. Article 6—Women and Girls with Disabilities

Article 6, the implications of which are explained by the CRPD Committee in its General Comment No 3 (United Nations 2016), recognises that disabled women are subject to multiple discrimination, and requires States Parties to take measures to ensure the full and equal enjoyment of all Convention rights for them. As Mykitiuk and Chadha (2018) note, it is a stand-alone provision and its "paragraphs make it incumbent on states to adopt gender-sensitive initiatives to overcome disadvantage, encourage human rights progress, and promote the inherent dignity of women and girls with disabilities" (p. 188). This emphasis on the need for initiatives which are sensitive both to disability and gender has to be read across into other CRPD provisions, including Article 16 on freedom from exploitation, violence and abuse and Article 13 on access to justice.

2.2. Article 16—Freedom from Exploitation, Violence and Abuse

The CRPD Committee, in its General Comment No 3 (United Nations 2016), emphasised the linkage between Articles 6 and 16 of the CRPD and set out a long but non-exhaustive list of types of violence, exploitation and abuse experienced by disabled women (paras 31 and 32). This included forms of mistreatment that might be carried out against non-disabled as well as disabled women, together with types of disability-specific mistreatment—for example, forced pregnancy or sterilisation and deliberate withholding of personal care such as assistance with washing and menstruation management.

Article 16 is significant because it frames freedom from such forms of mistreatment as a specific human right and elaborates examples of attendant obligations. Further, it highlights the fact that much of the violence that disabled people experience is related to the provision of care, both within and outside the home. It extends state obligations into a wide range of arenas, including the family home and the residential institution.

Article 16 takes a holistic approach to disability-related violence, exploitation and abuse, imposing obligations relating to protection, prevention, education and training, monitoring and redress, reporting, investigation and prosecution, and victim support and rehabilitation. For present purposes, Article 16(5) is particularly noteworthy. It requires States Parties to adopt laws and policies that will "ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted" (United Nations 2006). This requires attention to be focused on

the culpability of the offender. An exclusive focus on the victim, and removing them from harm through what might be experienced as intrusive and restrictive measures, will not suffice. Traditionally, cases of violence and abuse against disabled people have often not been successfully resolved for victims, with restrictions being placed on their own lives instead of on those of the perpetrators (Lawson 2017, p. 88). Article 16(5), like Article 13, urges states to adopt law and policy ensuring that disabled women have access to adequate support in the detection and prosecution of violence, and that their reports are taken seriously. Thus, these two provisions should be read together.

2.3. Article 13—Access to Justice

Article 13 of the CRPD requires states to ensure access to justice for persons with disabilities on an equal basis with others, through the provision of procedural and age-appropriate accommodations. It also requires them to facilitate the effective role of persons with disabilities as “direct” and “indirect” participants in all stages of legal proceedings (Art. 13(1)). At a basic level, the right to access justice set out in article 13, as argued by Flynn and Lawson (2013, p. 7), can be viewed as an extension of pre-existing universal rights to an effective remedy and to a fair hearing. It also draws on rights to be free from discrimination. In this regard, justice system staff will clearly have an obligation to make reasonable accommodations in line with the requirements of Article 5 of the CRPD, even though Article 13 makes no explicit reference to reasonable accommodation. Flynn (2018) states that the individual’s particular requirements, in terms of reasonable accommodation, must be met before justice can be considered to be effectively accessed (pp. 390–91). As the definition of reasonable accommodation in article 2 of the CRPD makes clear, a reasonable accommodation in this context is an adjustment to standard practice or procedure, undertaken to remove a particular disadvantage at which a specific disabled person would otherwise be placed, in order to access justice—for example, allowing more time to provide evidence; granting frequent breaks; arranging for them to visit the court facilities before the hearing; or changing the environment of the courtroom based on individual sensory needs. It is important to note that failure to provide reasonable accommodation constitutes discrimination as outlined in Article 5 of the Convention; and that the reasonable accommodation duty includes within it a limitation based on undue or disproportionate burden.

While article 13(1) does not explicitly mention reasonable accommodation, it does require states to ensure that “procedural and age-appropriate accommodations” are carried out—obligations which overlap with the reasonable accommodation duty. Although the latter, unlike the former, are limited by the concept of undue or disproportionate burden, that concept should seldom justify a State’s failure to provide the accommodations necessary to ensuring access to justice for a disabled person (Office of the UN High Commission for Human Rights 2017, para. 25). Procedural accommodations include the development of systems and practices that may be more group-oriented than the highly case-specific reasonable accommodation duty. In this respect, procedural accommodations have much in common with the cross-cutting obligation (imposed by Article 9 of the CRPD) to ensure the accessibility of services and facilities provided to the public. The CRPD Committee’s second general comment (on article 9) provided some helpful guidance on the distinction between accessibility and reasonable accommodation. It stressed that accessibility is group-related, whereas reasonable accommodation is individual related (United Nations 2014, para. 22). The General Comment emphasised the linkage between accessibility obligations and access to justice by stating that: “There can be no effective access to justice if buildings of law-enforcement organs and judiciary aren’t physically accessible, if the services they provide, information and communication aren’t accessible (art 13)” (para. 33). Both are key obligations if disabled people are to be afforded equal access to justice.

Article 13(2) requires states to ensure appropriate training of all those working in the field of administration of justice, including the police. As summarised by Flynn (2018), much of the CRPD Committee’s concluding observations to date have focused on the need

for more training for a wide range of professionals and giving it an expansive interpretation beyond legal professionals, court staff, police and prison staff, to social workers and healthcare workers (p. 400).

Thus, such training is important in providing effective access to justice for disabled people, especially women. While all these requirements help to clarify the objective toward which States should be working, most still struggle to provide measures and legislation to prevent and/or properly prosecute violence against disabled women in particular, and in providing effective access to justice. Iceland is no exception. The Convention was signed by Iceland in 2007 and ratified in 2016. While disability-specific and some other relevant legislation enacted after this time have incorporated CRPD provisions, due to the dual nature of the Icelandic legal order, the Convention needs to be transposed into Icelandic law to formally gain the status of national law.

3. Methods

The findings presented in this paper are drawn from the first author's doctoral research study, which was carried out in Iceland between 2019 and 2022. In this study, a qualitative research approach was employed to gather data on the experiences of disabled women who had been subjected to violence, and the experience of people who had supported them through the justice system (for example, with reporting the violence and associated investigation and prosecution processes). Three types of method were used.

The first and principal method was semi-structured individual interviews (which were one-to-one except in relation to Mary, where she was interviewed together with her mother). The total number of these interviews was 36. They were carried out with three types of participants. First, there were 16 interviews with self-identified disabled women who had a range of different impairments (including physical, sensory and intellectual); and ages ranging from 19 to 71. Attention was also paid to the importance of ensuring diversity of gender identity, ethnic background, education, and socio-economic status. Second, there were 15 interviews with professionals who worked in support frameworks focusing on disabled women subjected to violence, and individuals working within the justice system in connection with reporting and prosecution (e.g., rights protection officers, lawyers, police, prosecutors, judges). Third, there were five interviews with experts in the field of disability and violence. All participants were identified through different networks and recruited using purposive sampling, which allows for the selection of people who have experience of relevance to the study at hand and can, as [Creswell \(2007\)](#) points out, "purposefully inform an understanding of the research problem and central phenomenon in the study" (p. 125).

The second method was documentary analysis. This consisted of the detailed analysis of all court documents (including unpublished documents) relating to Mary's case, together with a review of relevant Icelandic laws and policies. International human rights law, with a particular focus on the CRPD, was also analysed. This is presented in the previous section and provides the underpinning normative or evaluative approach.

A third method was court observation, where the first author attended four court proceedings of cases about violence against disabled women. Documents from these proceedings were also analysed.

Grounded theory guided the data collection as well as shaping the analytical approach ([Charmaz 2014](#); [Padgett 2017](#)). This approach aims to generate theories, concepts and hypotheses from the data ([Creswell 2007](#); [Taylor et al. 2016](#)) and calls for ongoing data analysis alongside the data collection ([Bogdan and Biklen 2007](#)).

This paper is informed by all the data collected but primarily draws on interviews with the six participants involved in Mary's case, its related documentation, and the Icelandic law and policy applicable to it. The six interviews concerned were with Mary herself (the disabled woman who was the victim of violence) and her mother (the two of whom were jointly interviewed), a police detective, a rights protection officer (hereinafter RPO), two lawyers and the judge who heard the case. Interviews with other professionals and experts

(including a disability rights lawyer, police officers, prosecutors, judges, other RPOs and experts on the system) provided more general contextual information about accessing justice in Iceland.

Ethical approval was granted by the University of Iceland's Scientific Ethics Committee in April 2020, and the interviews were conducted by the first author between August 2020 and October 2022. The interviews were arranged according to the preference of the participant and included settings such as the participants' home or office, an office at university, as well as online platforms. Initial recruitment e-mails and conversations with potential participants were accompanied by the provision of an information sheet explaining the aims and objectives of the study, the fact that participation would be entirely voluntary, the procedures for anonymity and confidentiality and withdrawal from the study, data storage and use of information. A consent form was also provided to potential participants at this stage. Consent forms were either completed and signed at the beginning of the interview or completed and signed electronically and returned to the researcher by email. Two interview guides were used: one with Mary and her mother and another with the professionals and experts. Questions were open-ended and exploratory in nature, investigating experiences of violence and the reporting of it by disabled women, and experiences of supporting disabled women who have been subject to violence, or working in relevant reporting and prosecuting systems. The interviews also addressed more general issues relating to support services, access to justice, perceptions of the credibility of disabled women when reporting violence, legislation and public policy. Each interview lasted approximately 1 to 2 h, and was audio recorded with consent.

Some of the Icelandic legislation has an official English translation, but any that did not were translated into English by a research assistant with a law degree; so too were the court documents and other written materials analysed. Quotes from these documents used in this paper are drawn from the English translations. All names used in connection with Mary's case are pseudonyms, and certain details have been obscured to preserve the privacy of the individuals concerned.

4. Relevant Icelandic Law and Justice Structures

This section outlines and discusses aspects of Icelandic law, the justice system and criminal procedure relevant to Mary's case. It therefore provides important contextual information for the more detailed discussion of that case, presented in the next section.

4.1. *Act on the Protection of the Rights of Disabled Persons (2011), No. 88/2011 (PRDP Act)*

The purpose of this Act is to ensure that the rights of disabled people are protected; that disabled people have adequate support in safeguarding their rights; and that the CRPD is taken into account in securing these rights (Art. 1). It provides for three types of rights protection:

First, it requires the Ministry of Social Affairs and Labour to set up a Rights Monitoring Unit within the Ministry, with responsibilities including the administrative implementation of the Act; supervision of the RPOs; and carrying out educational and informational functions relating to the rights of disabled people—including amongst disabled individuals themselves, their RPOs, their spokespersons and relatives, and service-providers (Art. 3). Hence, this Unit is responsible for providing training to all involved in supporting and protecting the rights of disabled people.

Secondly, the Act includes provisions on regional RPOs who, in their respective areas, have the task of monitoring the situation of disabled people and assisting them in all matters concerning their access to services, personal finances and rights in general (Art 4–5). RPOs are public officials with expertise in the field of disability rights. Where a disabled person's rights are violated, RPOs are required to support them in seeking redress (Art. 6). Article 6 also obliges anyone who witnesses an incident arousing suspicion that the rights of a disabled person are being violated to report the incident to an RPO, who will

then assist the disabled person in question to pursue the matter further, for example, by reporting violence to the police or bringing a case to court.

Thirdly, the act provides for the appointment of a personal spokesperson for disabled people who have reached legal age but are not in a position to protect their own interests for impairment-related reasons (Art. 7). A personal spokesperson is chosen by the individual concerned, in consultation with an RPO in their area. The personal spokesperson must have familiarity or expertise relevant to the particular circumstances of the individual concerned. They should also be provided with information and guidance on the content and priorities of their spokesperson role. Among other things, a personal spokesperson assists the disabled person in protecting their rights and in making informed decisions (Art. 9).

4.2. *Code of Criminal Procedure (2008), No 88/2008: Removal of Perpetrator from the Courtroom (Art. 166)*

Paragraph 1 of article 166 of the Code of Criminal Procedure no 88/2008 states that a judge may decide that the defendant is to leave the courtroom while others, whether they are also being tried or a witness, give their evidence. It is important to note in this context that, in Icelandic law, victims are classified for these (and other) purposes as witnesses. Paragraph 1 of article 123 permits the judge “in accordance with a demand by the prosecutor or a witness” to “decide that the defendant is to be sent out of the courtroom while the witness is questioned” if they consider “that the presence of the defendant could be particularly difficult for the witness and influence his or her testimony.” Where this happens, paragraph 3 states that the judge must ensure that the defendant is able to follow the questioning as it takes place.

4.3. *State Prosecutor’s Guidelines no 3/2018*

In 2018, the State Prosecutor issued Guidelines for police and prosecutors on handling sexual offense cases involving disabled people, which aimed to ensure equality in access to the justice system and its procedures (Ríkissaksóknari 2018). The guidelines include adapting the investigation to each individual case and individual victim, respecting the will and wishes of the person in question, and obtaining as much detailed information as possible about the victim’s disability—provided that they (or others competent to give consent on their behalf) consent to this.

For present purposes, the most important guideline requires an assessment of whether the “disability” of the victim calls for “special measures” to be taken by police. There is clearly some overlap between this guideline and the duty to provide reasonable accommodations, which the CRPD obliges States parties such as Iceland to impose on those working in the justice system, alongside those providing other types of publicly available service and facility. Thus, examples of measures the guidelines propose include steps which might also be taken when discharging a reasonable accommodation duty—such as changing the location of where a police statement is given (e.g., to a specially equipped reporting room) and seeking information from a disability professional before questioning and the attendance of a professional during questioning. However, a duty to provide reasonable accommodation is not explicitly recognised, and it seems likely that it differs in important respects from the guideline’s requirement to carry out an assessment to consider ‘special measures.’ Importantly, special measures tend to be more limited in nature and scope than reasonable accommodations and the latter are grounded on a philosophy of equality and non-discrimination, whereas ‘special measures’ are rooted in a philosophy of protection.

The early involvement of the relevant RPO is another important aspect of the State Prosecutor Guideline. This is, in effect, a procedural accommodation for the benefit of all disabled people. It goes beyond the scope of a ‘reasonable accommodation’ duty as it is not subject to any limits or defences based on ‘reasonableness’ or ‘disproportionate burden.’ The role of RPOs is to advocate for the rights of disabled people and request reasonable and procedural accommodations for them.

4.4. Bjarkarhlíð

Bjarkarhlíð is a family justice centre in Reykjavik. It supports survivors of violence by offering counselling, support and information. Importantly, its services are coordinated with those of police and other centres, meaning that initial reports of violence can be made at Bjarkarhlíð rather than at a police station. In addition, even though it is not explicitly required, police statements tend to be taken from disabled people in Bjarkarhlíð. This therefore may be viewed as another example of a type of procedural accommodation, in line with Article 13 of the CRPD.

5. Findings

5.1. Mary's Case

Note: the following section contains detailed descriptions of sexual abuse.

Mary, a 29-year-old woman with an intellectual disability, works at a kindergarten and is in a romantic relationship. For the past 15 years, she has been spending one weekend a month at a respite facility for disabled people. During one of these visits in 2019, she was subjected to sexual violence by a relatively new male staff member. He pressured Mary into taking a shower. Mary felt as if she “had no choice but to do what I was told.” The man came inside the bathroom while she was in the shower and locked the door. He then started washing her body, “touching me places I didn’t want him to touch.” Although Mary did not need assistance with showering, he washed her back, down to her buttocks, her feet, thighs, stomach, between her breasts and genitals with a washcloth. This made her feel uncomfortable, frustrated and powerless to say anything to him. While in the bathroom, he told Mary not to tell the female staff that he bathed her. This made Mary feel “horrible.” At this time, another staff member, Mark, came in the facility 30 min early. Mark heard the shower running when he came in but did not react to it. The perpetrator opened the bathroom door and told Mark to check on the other disabled residents. He closed the door again and took over drying Mary and dressing her in underwear and left the bathroom. She completed dressing herself. When Mary came out of the bathroom, the perpetrator took over drying her hair. Mark witnessed this and again did nothing. Mary did not trust Mark enough to seek help from him because he was also a relatively new member of staff and because he “did nothing to stop” what was happening.

When she got home, Mary told her mother what had happened. Not knowing what to do, her mother “was in shock.” However, as Mary’s officially appointed spokesperson, she decided to take action, despite being “really confused” as to what to do, and called the respite facility the next day. Mary’s mother went alone to meet the female director of the facility and told her what had happened. Instead of calling the police, the director decided to talk to her own superior, who was a Human Resources (HR) officer in the city’s social welfare services. The next day, Mary and her mother met with the director of the facility and the HR officer. Mary was asked to tell them everything, and according to her mother she did so “very well” and “very clearly.” Having her mother by her side gave Mary security and strength to report her experiences without fear. Throughout this time, Mary was constantly interrupted by the HR officer, and this made her mother angry about how her daughter was being interrogated—being repeatedly stopped and interrupted over a long period of time. She was also frustrated by the fact that she was prevented from speaking, that neither of the two city officials called the police and that these meetings did not clarify next steps or offer any support to Mary. Mary’s mother therefore decided to call the Sexual Offences Division of the police, thus initiating the reporting process.

The police officer informed Mary’s mother that she must meet with him, and that Mary should be accompanied by a lawyer and an RPO. He gave Mary’s mother relevant contact details, and she contacted both the lawyer and RPO. After discussing the case with Mary, her mother and the RPO—and obtaining the required consents—the lawyer set the date and time for the police to take the initial victim witness statement from Mary at the Bjarkarhlíð centre.

During this statement, Mary was accompanied by her lawyer and the RPO, while her mother waited outside. Mary reported that, whilst giving her statement, she felt good being among all these people even though she “was afraid” and worried that the police officer would not “believe me” due to the volume of questions. Following this, the investigation process began, with statements being gathered from the perpetrator, other staff members at the respite facility and people close to Mary that she had told about what happened to her, including her father, boyfriend and personal assistant. In addition, Mary’s files at the facility regarding her service needs were examined (including which activities of daily living she needed help with). Alongside these investigations, Mary received victim-support counselling. A few months later, the case was sent to the prosecutor and subsequently to the court. During this time, a second lawyer took over Mary’s case.

A week before the court hearing, Mary and her mother met with the RPO and second lawyer at the lawyer’s office to prepare for the trial. At this meeting, reasonable accommodations were offered and explained to Mary. These included: a visit to the court room before the hearing, information on who would be speaking, pictures of all the people who would be sitting in the court, and assurance that the perpetrator would not be present when she gave evidence.

The case was heard at the Reykjavik District Court in 2020. The accused was questioned first, then he was sent into the next room, from where he could hear everything. Mary was then called to give evidence and given a microphone and the additional time she needed to process questions and provide answers. Mary’s mother was called next, followed by Mark, and then other witnesses (including Mary’s psychologist, the director and other staff of the facility, and the HR officer from the social welfare services). After the standard four weeks, the judge found the Accused guilty of sexual harassment under Article 199 of the General Penal Code no 19/1040 and misuse of authority as a public official under Article 138 of the same Act. He was given an eight-month suspended sentence and required to pay all legal fees and compensation to Mary.

The written decision, although not in an accessible format (such as easy-to-read), was posted by the lawyer to Mary and her mother. Both were relieved that the perpetrator had been convicted and felt the case had been successful, even though Mary was disappointed that he had not been sent to prison. Her lawyer was disappointed that he had not been ordered to pay a bigger financial sum to Mary.

5.2. Procedural and Reasonable Accommodations

Mary had the benefit of four types of accommodation or support for which provision is expressly made in Icelandic justice procedures and practices—measures which, in the language of Article 13 of the CRPD, may be regarded as ‘procedural accommodations.’ The first is the support of a spokesperson—a point which will be discussed more fully in Section 5.3.2 below. The second is the support of an RPO to assist with the protection of Mary’s rights according to the PRDP Act and recommended in the Icelandic State Prosecutor Guidelines. Mary’s RPO provided information on where to report the violence Mary had experienced; assisted her with reporting what had happened when she was providing her statement to the police; and requested specific accommodations throughout. For example, Mary’s RPO states that she explained to Mary what was about to take place:

“We went over what is going to happen and why are we here and who are the people you are going to meet, how is it going to be, where are you going to sit, do you want me to be with you and I explained my role in this, and if she wanted a break or if she needed some kind of assistance.”

Before meeting with the second lawyer, the RPO asked Mary:

“ . . . if she wanted to know what the people looked like who were going to be in the court room, and she wanted that, so we got pictures of the people that were there, and then went to take a look at the courtroom before. So, she knew where she was going, how it is going to look like, who is going to be there.”

Regarding requesting permission to show Mary the courtroom, the RPO stated that “the lawyer organised that, but I asked her to do it.” To accommodate Mary’s quiet speaking voice in court, the RPO asked Mary’s lawyer to request a microphone. Overall, the support provided by the RPO to Mary throughout the process highlights how important it is to disabled women attempting to access justice to be given the type of support offered by RPOs.

A third type of procedural accommodation evident in Mary’s case is the fact she was permitted to give her statement to the police at Bjarkarhlíð, rather than in a police station. This seems likely to have contributed to Mary’s sense of being safe when giving this statement.

The fourth type of procedural accommodation that can be identified in Mary’s case was the removal of the accused from the courtroom whilst Mary was giving evidence. This is not a disability-specific measure, being permitted for witnesses whether or not they are disabled. Indeed, interview data (from judges, a prosecutor and Mary’s lawyers) made it clear that this form of accommodation for witnesses is very common in practice. Neither the fact that this procedural accommodation is available to all witnesses nor that it is commonly provided, however, diminish its value in enabling Mary to access justice. For her, it had the important effect of removing the fear of ‘seeing’ the perpetrator while giving her evidence in court, as it would for any woman (disabled or not) testifying about violence to which they had been subjected.

In addition to these types of accommodation, which have been categorised here as ‘procedural’ because the Icelandic criminal justice system anticipates and provides for them, Mary also benefited from more individually-tailored, case-specific adjustments—more akin to the CRPD’s notion of ‘reasonable accommodation.’ These included providing her with pictures of all the people who would be present at the trial; showing her around the courtroom in a visit arranged before the hearing; supplying her with a microphone; and allowing her extra time to think and answer questions during the court hearing.

All these adjustments to standard practice and procedure indicate that Mary’s particular needs were taken into account and that steps were taken to accommodate them. For disabled people such as Mary, justice cannot be effectively accessed without such accommodations. The Icelandic justice system is commendable for embedding certain procedural accommodations. The introduction of RPOs is particularly innovative and promising. Despite the fact that additional individually tailored accommodations were offered in Mary’s case, Icelandic law does not clearly specify that reasonable accommodations must be provided to disabled people going through court proceedings. Such an obligation is unequivocally required by the CRPD, as discussed in Section 2 above. It is therefore important that it is elaborated more clearly and fully in Icelandic investigation and prosecution guidelines. This would reduce the extent to which individualised reasonable adjustments currently depend on the willingness of particular officials to take action—a point which emerged from Mary’s case, and which is addressed more fully in Section 5.3.3 below.

5.3. Factors Contributing to Mary’s Positive Experience of Accessing Justice

Mary’s case, together with relevant interview and court data, provides a lens through which to reflect on the experiences of a disabled woman seeking redress through the justice system for the gender-based sexual violence committed against her. The case provides positive examples of good practice in relation to accessing justice. These include the fact that Mary’s impairment did not prevent her evidence from being taken seriously and treated as credible; the provision of various procedural accommodations and individualised reasonable accommodations; and, more generally, the fact that this case ended up in court, in a conviction with the offender being sentenced and the disabled victim being awarded some remuneration. We suggest that four important factors were particularly influential in driving these positive aspects of Mary’s case: first, the fact that Mary was supported to give evidence which was consistent and treated as credible; second, the fact that Mary’s spokesperson was such a strong advocate for her rights; third, the willingness

of the particular justice system staff involved in Mary's case to make accommodations for disabled people and support her to access justice; and, fourth, the perpetrator's lack of social connections. Each of these factors will now be discussed in more detail, in turn.

5.3.1. The Consistency and Credibility of Mary's Evidence

The perceived lack of credibility of disabled people was highlighted by many of the participants in the overall study as a significant, and often total, barrier to the progress of their claims through the justice system. This was a topic raised in interviews with RPOs, lawyers and experts. These interviewees attributed the perceived lack of credibility to various factors, including a tendency amongst police not to believe the testimony of disabled people and a failure of the justice system to view disabled people as credible witnesses. As stated above, in cases of violence, victims are witnesses in their own cases, and their case will not be brought to court unless the prosecutor believes conviction to be a reasonably likely outcome. Thus, being believed and seen as credible is an important hurdle to overcome for disabled women trying to seek redress for violence through the justice system. As seen above, Mary "was afraid" and worried that the police officer would not "believe me." Despite her concerns, in her mother's words, Mary recounted her experiences "very well" and "very clearly." The fact that Mary's accounts of what happened were consistent was highlighted by everyone involved in the case. The second lawyer stated:

"... for her part, she did a great job there, ... and she was very consistent, her testimony was very consistent with what she had said to the police earlier. She has a good memory, and she benefits from that, or the case benefits from that ... it makes a difference."

The trial judge referred to Mary being "a very good witness, she was very clear." This was also emphasised in the judge's decision, which stated that Mary has "stuck to her story the whole time," "from the beginning she has been consistent with herself," and that "the court considers Mary's testimony overall to be credible." Up until that point, Mary had recounted her experience to many people—her mother, personal assistant, facility's director and HR officer, and the psychologist—and the consistency between these different accounts emerged clearly from the "testimonies of these witnesses in regards of the incident and how it unfolded" (judge's decision). The perpetrator's statement was contradicted by that of Mark, a key witness. This contrasted with "the credible testimony of the victim that is supported by the testimony of witnesses and case documents" (judge's decision).

The first person Mary told of her experiences was her mother. The fact that her mother believed Mary no doubt helped to reduce Mary's fears that she would not be believed and thus made it easier for her to tell her story to others. The support she received from professionals she trusted, such as the RPO and the lawyer, was also significant. Having the RPO and lawyer present, even though her mother was outside, made Mary feel "safer and comfortable" while giving her police statement, especially because Mary felt they "both believed me" and thus were on her side. This highlights the crucial nature of such support for disabled women during stressful moments such as giving their victim/witness statement to the police and giving evidence in court. The support Mary received thus enabled her to tell her story and have her voice heard. It was therefore an important factor in enabling her to access the justice afforded through the Icelandic court system. However, the issue of consistency did not apply just to Mary's testimony, but the consistency in the testimony of the supporting witnesses as well. We make no claim, however, that that system is itself perfect. It is clear from the interviewees' observations, quoted above, that a troubling degree of emphasis is attached to the need for evidence to be consistent and clear. This indicates the prevalence of deeply embedded ableist assumptions which are likely to disadvantage a great many victims of sexual violence, particularly those with impairments affecting communication (Ziv 2007; Flynn 2015; Morrison et al. 2021). Reimagining a justice system free of such ableism is an important enterprise, but one which lies beyond the scope of this paper.

5.3.2. A Spokesperson as a Procedural Accommodation

The appointment of spokespersons for disabled people can be extremely valuable, as in Mary's case, and regarded as a form of procedural accommodation. As explained in the discussion of Article 13 of the CRPD above, such accommodations are required by international human rights law. As outlined in Section 4.1 above (on the PRDP Act), the role of a spokesperson is to assist the disabled person in protecting their rights. In this context, Mary's mother, in her role as Mary's formally appointed spokesperson—assisted Mary to access the justice system after her right to be free from violence, exploitation and abuse was violated. Her insistence on seeking justice for her daughter was crucial to the progress of Mary's case, despite the fact that she had no knowledge of what to do or where to go to seek help and information. Despite this confusion, she sought help at the respite facility, and when that failed, she called the police; this is something that she may well have done first if she had received training, as will be discussed below.

A comparison between the action of Mary's mother and the inaction of the director and the HR officer (who seemed to be primarily concerned with protecting their organisation) makes clear the importance of the role of the former. Mary's experiences of accessing justice may well have been very different if she had first disclosed what had happened to one of these city officials, rather than to her mother. The actions of the person to whom such abuse is first disclosed have an enormous impact on how the case subsequently progresses and on the victim's experiences of accessing justice. For disabled women such as Mary, then, it is important to recognise that attempts to access justice begin at the moment of first disclosure—often well before they encounter anybody working in the formal justice system.

In addition to initiating the reporting process, Mary's mother actively supported her throughout the proceedings. She was, for instance, instrumental in securing the provision of various types of procedural and reasonable accommodation for her daughter. Thus, having a strong spokesperson, in the shape of her mother, was the second factor that helped make Mary's case a positive one.

5.3.3. The Willingness of Individual Justice System Workers to Make Accommodations

As highlighted above, Mary's access to justice was facilitated hugely by the support provided by her RPO. However, the provision of an RPO is neither obligatory under the PRDP Act or the State Prosecutor Guidelines. Thus, whether or not a disabled person will be supported by an RPO depends on the willingness of the individual police officer. As stated by Mary's RPO: "It is very different between police officers on whether our role is accepted or not in this situation." In addition, the presence of the RPO in the court room depends on the willingness of the individual lawyer to put that request to the judge. Turning again to the words of Mary's RPO: "The lawyer had to ask the judge if it was ok for me to be present in the courtroom because that's not required by the law."

In Mary's case the judge issued the permission for the RPO to be present. Thus, it was the commitment and initiative of the particular police officer in Mary's case to involve the RPO and the decision of the particular lawyer and judge in Mary's case to permit the RPO to be present in court. The removal of the accused from the courtroom while Mary gave her statement was also dependent on a request from Mary's lawyer and approval being granted by the judge. This demonstrates that, despite the fact that this measure is very common, it nevertheless remains dependent on action being taken by particular professionals in the system. Another powerful illustration of this dependency on the goodwill and commitment of individuals working in the justice system concerns Mary's visit to the courtroom in advance of the trial. Her second lawyer requested this, and the judge agreed. The lawyer described what happened as follows:

"I just called the judge and I said: 'Can you accommodate us to see the court and the courtroom' and she said 'of course' and she came herself so Mary was familiar with her, talked to her, and got to know her and she saw the court staff and everything like that. We were very lucky with a judge! She was very accommodating and understanding."

Thus, the judge did not merely grant permission for Mary to see the courtroom. She came herself and met with Mary. This goes well beyond anything the judge was obliged to do and indicates a high degree of openness to flexibility and adjustments that enhance access to justice for disabled victims. When asked about the importance of providing accommodations, the judge explained that:

“I think it is first and foremost to get the best testimony possible that you can get in these difficult conditions . . . anything we can do to just get a good testimony, and of course that is to make the witness as comfortable as you can . . . it is very important to prepare . . . if we are going to serve justice then we have to have this right.”

Interestingly, the justice system professionals involved in Mary’s case had all worked together on previous occasions. Mary’s first lawyer observed that she was often contacted by the particular police officer: “He called me often when there was a disabled woman that needed help because we worked well together.” In addition, when Mary’s first lawyer was unable to continue working on the case, she specifically approached the second lawyer with a request to, as the second lawyer put it, “take the case over.” Thus, in Mary’s case, the collaboration and trust between different professionals may also have been an important factor in helping her to access justice. While it worked well for Mary, there may well be other cases in which the individual professionals do not have such a history or connection.

To sum up, in Mary’s case the professionals involved were fully committed to taking steps to ensure her access to justice and were highly motivated to do so. This emerges clearly from the interviews with Mary’s police officer, her lawyers and the judge as well as her RPO, who all stated that they were willing to put effort into doing whatever they could to ensure that the individual needs of the particular person were fully accommodated. Similar observations were made by the prosecutor and a number of the other study participants. This was undoubtedly significant in driving Mary’s positive experience of the justice system. There is no certainty that other women in Mary’s position would encounter such strongly committed and highly motivated professionals, however. When so much depends on individual discretion and therefore on who one encounters, effective access to justice will necessarily depend on accident and happenstance. This was highlighted as a major concern by a disability rights lawyer interviewed for this study. She spoke of the risk of system collapse, and going back to square one, when individual professionals with relevant expertise and commitment stop working. In her words: “It’s about the individual, because culturally we are not there yet. This is of high importance, and this really needs to be addressed”.

5.3.4. The Defendant’s Lack of Social Connections and Networks

Many of the interviewees suggested that it was much more difficult to hold a person accountable for violence against disabled women if they were well-connected socially. This factor was, they suggested, particularly important given Iceland’s relatively small population and its closely interconnecting social networks. According to the disability rights lawyer:

“Because we are a really small country you know, everyone knows everyone in some way or another, you speak for five minutes, and you know that your cousin is the friend of his best friend. Something like that. Always some connection. So, that makes it harder I think, for us to keep people accountable. It goes through all layers of society. Just as much with people working on the ground in services and also politicians. I think this has a huge effect on how we deal with difficult situations.”

In Mary’s case, however, the defendant was not deeply embedded in such social networks, in part because he was not from Iceland. Interviewees who commented on this matter were of the view that his lack of close social ties, particularly with witnesses in the case, reduced the likelihood that he would not be held properly accountable. Thus, Mary’s first lawyer acknowledged that she had been concerned that Mark, the perpetrator’s co-worker, might not disclose all he knew or that he might even collude with the perpetrator

by changing his story: “What I was afraid of in this case, like every other case, was that the witness would deny [what he saw], and he wouldn’t say what he knew or wouldn’t back her up, you know he could have said: “no, no, no nobody put her in a shower””.

She also made it clear that this concern was grounded on experience: “They could talk together and say: “hey, she didn’t take a shower” or lie or something. It has happened in a case where a witness just lied and that’s not nice, but it happens sometimes.” In Mary’s case, however, such fears were not realised. Mark’s evidence contradicted the perpetrator’s account of what had happened in that the perpetrator denied any wrongdoing and that he was not at all in the bathroom while Mary was showering. In court, Mark stated that he and the perpetrator “had been working together for about a year and a half” but that their “communication was only work-related.” There was accordingly only a shallow social connection between them.

5.4. Inadequate Implementation of the Training Obligations in the PRDP Act

As outlined in Section 4.1 above, Article 6 of the PRDP Act requires suspicions of rights violations to be reported to RPOs—a point also stressed by the RPOs interviewed. If nobody knows about such obligations, however, such reports will not be made. Under Article 3 of the same Act, the Icelandic Ministry of Social Affairs and Labour and its Rights Monitoring Unit have the obligation to provide training on such issues to people involved in delivering services to disabled people and to raise awareness of the PRDP Act and its requirements amongst the general public.

Despite the positive features of Mary’s case, our analysis reveals a number of respects in which there was a failure to carry out these training and awareness-raising obligations. For example, Mary’s mother was her personal spokesperson, but was confused about how to go about reporting the abuse to which Mary had been subjected. Had she been provided with appropriate information and training, she would not have experienced this confusion and would have known that the recommended procedure was to report the matter to the RPO or the police, rather than to the service provider. The failure of Mark, the co-worker who witnessed events suggesting wrongdoing, to report what he had observed at the time also indicates a lack of awareness and training. If his employer (the service provider) had provided him with relevant training, as it was obliged to do by the PRDP Act, Mark should have been sufficiently informed to have suspected that wrongdoing had occurred and known how to report it. This therefore suggests that the Rights Monitoring Unit of the Ministry of Social Affairs and Labour had not adequately fulfilled its PRDP Act training obligations. We therefore call for the Ministry to fulfil its obligations under this law as a matter of urgency.

Another respect in which Mary’s case highlights a lack of relevant knowledge and associated training is the responses of the service provider when Mary’s mother reported what had happened to her daughter at the hands of one of their staff members. Their reactions suggest confusion and a lack of guidelines on how to deal with situations in which violence is reported to them. Mary’s RPO stated that the service provider lacked guidelines, information and knowledge on how to handle the situation. In the RPO’s words: “That should be changed immediately.” The RPO also emphasised that “it’s not that people wanted, or the social services wanted, to free themselves from anything. Nothing like that. It is just that they didn’t know how to handle it.” Failure by the State to fully implement the PRDP Act with regard to training has serious consequences. Ultimately, it results in reduced protection for disabled people, especially disabled women, from violence at services and facilities such as the one Mary attended.

The biggest failure to emerge from Mary’s case, which cuts across the entire justice system, is therefore the lack of training about disability and human rights for all involved. As outlined in Sections 2 and 4 above, training is required—not only by Articles 13 and 16 of the CRPD—but also by current Icelandic legislation and procedural guidelines. Yet, many of the professionals interviewed for this project, including those who did and those who did not work on Mary’s case, expressed concern about the lack of relevant disability

rights training for lawyers, police, prosecutors, judges and others working in the justice system or those supporting disabled people more generally. For example, Mary's RPO highlighted the lack of disability rights knowledge amongst lawyers. The police officer involved in Mary's case also pointed to limited training in Iceland. He stated that "last year we got most of our knowledge from training I received in England in dealing with vulnerable people." Further, the training to which he referred would have dealt with people deemed to be "vulnerable" for a range of reasons including, but not limited to, disability. It therefore seems unlikely to have been very disability-focused or to have been particularly informative on issues such as the provision of reasonable accommodations for disabled victims of violence.

The prosecutor indicated that there had been an increase in disability-related training for police but stressed that there was still nowhere near enough training on interviewing disabled victims. In her words:

"We are now training our police officers more in that sense, but we didn't before, and we are not training them enough; we are training police officers in how to interview suspects who have autism or other mental disabilities, but we are not focused enough on training police officers in interviewing victims with disabilities; they have some but not enough."

Knowledge of the CRPD amongst justice workers more generally is also limited. According to the prosecutor: "I think that the common knowledge about the Convention is so little . . . I can probably say that not a lot of prosecutors or defence lawyers or anybody are emphasising it."

This lack of training also pertains to judges. The trial judge stated that they had not received any specialist training regarding disability whilst working as a judge. Another judge interviewee confirmed the lack of disability-rights training, observing that: ". . . we don't really get training on that, no, . . . we don't really get specific training." Lack of relevant disability-rights training for the judiciary may also help to explain an inconsistency, noted by several of the interviewees, in judges' attitudes toward providing reasonable accommodations in court. Mary's second lawyer made this point, noting that:

"I think the way people are treated or the way we are trying to accommodate people is dependent on who is the judge . . . unfortunately . . . that is sometimes the case. . . some are more open to accommodating disabled persons according to the disability act and the rules or the guidelines that were set, as opposed to others that just want to follow the rule of law and the wording of the law."

When commenting on the willingness of the judge in Mary's case to make accommodations, Mary's second lawyer stated that "we got lucky with the judge." This supports the argument advanced above that the positive outcome in Mary's case is due in part to the fact that the judge (and others involved in her case) were firmly committed to maximising her opportunity to access justice. If access to justice is to be embedded securely across the justice system, rather than being based on luck and happenstance, it is vital that disability training is provided to all those in the justice system whose work might involve disabled people.

6. Discussion

In this paper, we have sought to respond to powerful calls made in earlier literature (e.g., [AHRC 2018](#); [Dowse et al. 2013](#); [Woodin and Shah 2014](#)) for further research on the neglected topics of access to justice and the experiences of disabled women subjected to gender-based violence. Our analysis differs from conventional extended legal case notes in that it does not draw simply on the official published report setting out the judgement in the case. Instead, the analysis presented above draws on published and unpublished documentation concerning the case and interviews with the victim, her spokesperson and the various professionals involved in bringing and hearing the case. The detailed qualitative sociolegal analysis of Mary's experiences in this case, set out above, provides rich material for reflection on factors that contribute to facilitating access to justice in line

with the commitments set out in the CRPD and factors that represent actual or potential obstacles to this.

Taking a victim-centred approach, we recognise that the journey to accessing justice begins from the moment the disabled person tells someone that they have been the victim of wrongdoing—a point in time generally much earlier than when the victim begins to engage with justice system workers. With this in mind, we contend that four factors in particular facilitated Mary's access to justice. First, Mary's evidence was regarded as credible, largely because her account of events had remained consistent throughout. The second was the support provided by Mary's mother as a strong advocating spokesperson for her daughter; third the commitment of the justice system workers in Mary's case to providing justice for disabled victims and their willingness to provide accommodations; and fourth, the perpetrator's lack of deep social connections.

The role of rights protection officers—a distinctive Icelandic innovation—emerges as a particularly important procedural accommodation for disabled people attempting to access justice. Mary's RPO played a crucial role in facilitating access to justice in her case. Their support and guidance make it more likely that victims will feel secure and safe to tell their stories, that spokespeople will advocate more effectively and that justice system staff will understand the importance of accommodating disabled people effectively. They are thus well-placed to have a positive impact on the first three of the four factors outlined above as being key to Mary's relatively positive experiences of the justice system.

The Icelandic RPO system is an interesting example of an independent statutory advocacy scheme. Flynn (2013) drew attention to the potential value of such schemes a decade ago, identifying them as an example of a type of procedural accommodation that States might adopt in the implementation of Article 13 of the CRPD. Nevertheless, relatively little has been written about such initiatives. Our findings highlight the value of the Icelandic RPO system in Mary's case, thus reinforcing Flynn's argument about the benefits and importance of independent statutory advocacy schemes. Our analysis was through the prism of one particular case, however, and cannot therefore support conclusions about the operation of the system more generally. This would require further research.

Two key potential obstacles to accessing justice emerge from our analysis of Mary's case. First is the lack of clarity about the need to provide reasonable accommodations for disabled people in the justice system. While RPOs can be called upon to identify and recommend individually tailored adjustments, there is no clear obligation on justice staff to accept their recommendations and provide reasonable accommodations. We recommend that that this problem is addressed and that the reasonable accommodation duty be included expressly and clearly explained in relevant investigation and prosecution guidelines. This would be in line with the requirements of the CRPD.

Secondly, like Groce and Trasi (2004), Byrne et al. (2021), Gibbs et al. (2021) and White et al. (2021), our analysis highlights a problematic lack of disability-rights training for justice workers. Our analysis also highlights a governmental failure to ensure that the training and awareness-raising requirements of the Icelandic PRDP Act are being properly implemented. This problem calls for more effective implementation of existing national laws and legal reform in order to incorporate the requirements set out by articles 16 and 13 of the CRPD. Only by ensuring appropriate training and awareness-raising can the human rights principles and values of the CRPD be firmly embedded across the Icelandic justice system. Until that happens, access to justice will continue to depend on the luck of the draw about which particular professionals happen to be allocated to a particular case. Access to justice should rest on systematic protections, not accident or happenstance.

Iceland is committed to implementing the CRPD and has submitted its initial report to the CRPD Committee. It is therefore timely for the government to redouble its efforts to ensure the provision of effective access to justice for disabled people—including disabled women seeking redress for violence against them. It could make important progress to this end by taking action on our two recommendations—strengthening the reasonable

accommodation duty, and ensuring the effective delivery and oversight of relevant training and awareness-raising obligations.

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