

Provision of Reasonable Accommodations for –women and girls with disabilities Survivors of Gender Based Violence (GBV) slowly becoming recognized in the justice system?

Women and girls with disabilities survivors of GBV face significant barriers to accessing justice, due to discrimination on the basis of gender and disability, accessibility barriers to the justice system, and lack of reasonable accommodations throughout judicial proceedings. **Article 13** of the United Nations Convention of the Rights of Persons with Disabilities (**UNCRPD**) mandates state parties to ensure effective access to justice for persons with disabilities on an equal basis with others, including through provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

Section 32 (1) of Persons with disability Equity Act,2021 on the other hand provides that the Chief Justice shall make rules for provision of accessible format methods and any other legal services and procedures which take into account the needs of a person with disability who attends court proceedings, although provision of reasonable accommodations in court proceedings for women and girls with disabilities survivors of GBV is still a challenge in the judicial system, it is slowly becoming recognized.

On the 27 March-2023, LNFOD attended court proceedings at the Quthing magistrate court, where a woman with speech and hearing impairment was sexually assaulted by a villager around December-10-2022. LNFOD has been closely monitoring the case and outsourced sign language interpreter to assist police investigating officers in writing a statement. LNFOD was further engaged by prosecution to provide the sign language interpreter to assist the witness to testify and give evidence in court.

During the trial, the court afforded the witness an opportunity to freely and effectively participate in court the proceedings. LNFOD monitored the proceedings to assess the level of inclusion especially because the survivor used informal sign language. The evidence given by the witness seemed credible before the court, and the accused was found guilty of the offence. He was sentenced to ten years imprisonment for sexual assault and five years for house breaking. The witness was afforded an opportunity to effectively participate in court proceedings, which is a clear indication that the principle of “Reasonable Accommodation” is slowly becoming recognized. The case was before magistrate Palesa Rantara and prosecutor Lebona, LNFOD commends them for ensuring inclusion throughout the proceedings.

LNFOD strongly recommends the courts to take all necessary measures to ensure speedy prosecution of GBV cases perpetuated against women and girls with disabilities, and ensure that women with disabilities survivors of GBV are afforded the opportunity to effectively participate in court proceedings through provision of reasonable accommodations.

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