



Disabled Women and Violence Access to Justice

Eliona Gjeczaj

Thesis for the degree of PhD
In Disability Studies

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Eliona Gjeczaj

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Ágrip

Doktorsritgerð þessi fjallar um aðgengi að réttlæti fyrir fatlaðar konur sem hafa orðið fyrir kynbundnu ofbeldi. Rannsóknin fór fram á Íslandi og varpar ljósi á þá margþættu mismunun sem fatlaðar konur verða fyrir, með áherslu á rétt þeirra til að lifa án ofbeldis og misnotkunar, og rétt þeirra til aðgengis að réttlæti sem kveðið er á um í samningi Sameinuðu þjóðanna um réttindi fatlaðs fólks (SRFF). Rannsóknir á þessu sviði eru takmarkaðar og markmið þessarar doktorsritgerðar er að fylla í eyðurnar með því að auka þekkingu á reynslu bæði fatlaðra kvenna og þeirra aðila sem styðja þær við að greina, tilkynna, rannsaka og ákæra ofbeldið.

Doktorsrannsóknin byggir á þverfræðilegri nálgun sem samþættir fötlunarfræði, kynjafræði og alþjóðalög um mannréttindi fatlaðs fólks. Þessi þverfaglega nálgun afhjúpar hvernig margbreytileg og samþætt mismunun birtist í lífi fatlaðra kvenna og dregur athygli að valdaójafnvægi sem stuðlar að félagslegri jaðarsetningu þeirra og valdaleysi sem leiðir til þess að þær eru berskjaldaðri fyrir ofbeldi en bæði fatlaðir karlar og ófatlaðar konur. Beiting eigindlegra aðferða veitti djúpa innsýn í reynslu fötluðu kvennanna sem voru í brennidepli rannsóknarinnar. Þessi nálgun leggur áherslu á inngildingu jaðarsettra hópna í rannsóknum, leitar eftir þeirri merkingu sem fólk leggur í daglegt líf sitt og reynslu, og skapar farveg til að raddir þess heyrist. Rannsóknin fór fram á meðan COVID-19 stóð yfir, sem veitti innsýn í þau áhrif sem faraldurinn hafði á líf og aðstæður kvennanna en skapaði jafnframt aðferðafræðilegar áskoranir sem mótuðu rannsóknarferlið. Til að öðlast sem besta innsýn í rannsóknarefnið var beitt mismunandi eigindlegum aðferðum. Þessar aðferðir voru eigindleg viðtöl, þátttökuathuganir og greining fyrirbyggjandi gagna. Alls voru tekin 36 eigindleg viðtöl við þátttakendur úr þeim hópum sem rannsóknin beindist að: fatlaðar konur, starfsfólk stuðningsúrræða fyrir brotáþola, fagfólk innan réttarkerfisins og sérfræðinga á sviði fötlunar, ofbeldis og réttarfars. Þátttökuathuganir fólust meðal annars í að fylgjast með dómsmálum um ofbeldi gegn fötluðum konum og heimsóknum í stuðningsúrræði fyrir brotáþola. Þá voru lífssögur fatlaðra kvenna teknar til greiningar, rýnt í gögn frá dómsmálum, íslensk lög, stefnumótun stjórnvalda og alþjóðleg mannréttindalög með áherslu á SRFF.

Niðurstöður rannsóknarinnar draga fram lifaða reynslu fatlaðra kvenna af því fjölþætta ofbeldi sem þær urðu fyrir á ólíkum æviskeiðum, varpa ljósi á mismunandi birtingamyndir þess og gera grein fyrir því samhengi sem ofbeldið átti sér stað í. Meðal þess sem kom fram var að konurnar voru afar ólíklegar til að tilkynna ofbeldið sem þær urðu fyrir. Ýtarleg greining veitir innsýn í þær flóknu og margþættu persónulegu og kerfislæggu hindranir sem að baki liggja. Þá kom í ljós að konurnar lögðu mismunandi

merkingu í réttlæti, sem jafnframt hafði áhrif á hvað þær töldu vera réttlæti fyrir þær sem brotþola. Í niðurstöðum rannsóknarinnar er einnig að finna gagnrýna greiningu á einu dómsmáli um kynferðislegt ofbeldi gegn fatlaðri konu. Þetta mál fékk jákvæða niðurstöðu en gagnrýnin greining veitir mikilvæga innsýn í þær fjölmörgu hindranir sem geta staðið í vegi aðgengilegrar og réttlátrar málsmeðferðar. Meðal annars að viðeigandi aðlögun er ekki sjálfgefin og aðgengi að réttlæti getur oltið á heppni brotþola varðandi hvaða einstaklingar innan réttarkerfis koma að málinu. Dómsmálið varpar ljósi á hversu mikilvægt það er að réttarvörslukerfið uppfylli skyldur SRFF um aðgengi að réttlæti. Jafnframt kom í ljós hversu afgerandi hlutverk og stuðningur réttindagæslu fatlaðs fólks var til að tryggja réttláta málsmeðferð og jákvæða niðurstöðu dómsmálsins. Þetta varð til þess að hluti rannsóknarinnar beindist sérstaklega að réttindagæslu fatlaðs fólks, starfsemi hennar og hlutverki við að tryggja árangursríkt aðgengi að réttlæti fyrir fatlaðar konur.

Niðurlag ritgerðarinnar er ákall til stjórnvalda um að verja fatlaðar konur gegn því ofbeldi sem þær verða fyrir og uppfylla skyldur sínar um að tryggja brotþolum réttláta málsmeðferð, meðal annars með viðeigandi aðlögun og stuðningi innan réttarvörslukerfisins. Þetta kallar á víðtæka vitundarvakningu og að allt fagfólk innan þess fái viðeigandi þjálfun sem byggir á mannréttindum og ákvæðum SRFF. Án slíkra umbóta mun aðgengi að réttlæti áfram vera óáreiðanlegt og velta á því hvaða sérfræðingar koma að málum—sem gerir réttlæti tilviljunarkennt frekar en trygg réttindi.

Lykilorð:

Aðgengi að réttlæti, fatlaðar konur, kynbundið ofbeldi, Ísland, samningur Sameinuðu þjóðanna um réttindi fatlaðs fólks

Abstract

This dissertation explores access to justice for disabled women who have been subjected to gender-based violence. The research was conducted in Iceland and foregrounds the intersectional nature of the multiple forms of discrimination these women face, emphasizing their right to live free from violence and abuse, and their right to access justice as enshrined in the UN Convention on the Rights of Persons with Disabilities (CRPD). Scholarship in this area remains surprisingly limited; therefore, the aim of this dissertation is to address this gap by creating new and much needed knowledge about the experiences of disabled women as well as of those who support them through the processes of detection, reporting, investigation and prosecution of violence.

The doctoral research adopts an interdisciplinary human rights approach, combining disability studies, gender studies and disability human rights law. This framework emphasizes the intersecting forms of discrimination and unequal power relations that contribute to the social exclusion, marginalisation, and disempowerment of disabled women, rendering them more vulnerable to violence than both disabled men and non-disabled women. A multi-method qualitative approach was employed for data collection including 36 in-depth interviews with participants from key stakeholder groups identified as critical to the process of reporting and prosecution of the violence: disabled women, professionals working in support centres for survivors of violence, individuals within the justice system involved in reporting and prosecution, and experts in the field of disability, violence and justice. Qualitative interviews were essential in enabling an in-depth exploration of the lived experiences of the disabled women at the centre of the study. This approach recognizes and values the meanings they ascribe to their everyday experiences and ensures that the voices of marginalised groups are acknowledged. Additional data were gathered through document analysis and field observations. Document analysis comprised a detailed review of published life histories by disabled women, court documents, national laws and policies, and international human rights instruments with a particular focus on the CRPD. Field observations included attending court proceedings involving cases of violence against disabled women and visiting centres that provide support to survivors of violence. The study unfolded during the onset, progression, and aftermath of the COVID-19 pandemic, providing insights into its impacts on the lives and experiences of disabled women while also introducing methodological challenges that shaped the research process.

The findings document the lived experiences of violence described by disabled women, detailing its multiple forms and complex manifestations. The study highlights

the low rates of reporting and explores the multifaceted reasons underlying this, including how the women conceptualise justice in relation to the barriers they face. Through an in-depth analysis of a single court case, the research also provides a critical lens on broader issues concerning access to justice for disabled women. It identifies factors that facilitate access to justice in accordance with CRPD obligations, as well as barriers that hinder, or have the potential to hinder, such access. Rights Protection Officers (RPOs) emerged as a particularly important procedural accommodation in facilitating effective access to justice. As a result, a part of the research focused on the scope of the work performed by Rights Protection Officers and their role in securing access to justice for disabled women.

A key conclusion of this research is a call for Icelandic authorities to take meaningful action to protect disabled women from the pervasive violence they face and fulfil their duty to provide reasonable and procedural accommodation within the Icelandic justice system. This includes ensuring that all professionals involved receive appropriate training and awareness-raising grounded in the human rights principles and values of the CRPD. Without such reforms, access to justice will remain inconsistent and contingent upon the particular professionals assigned to a case—effectively rendering justice a matter of chance rather than a guaranteed right.

Keywords:

Access to justice, disabled women, gender-based violence, Iceland, UN CRPD

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List of Original Papers

This thesis is based on the following original publications, which are referred to in the text by their Roman numerals (I, II, III):

- I. Gjecaj, E., Traustadóttir, R., & Rice, J. G. (2025). 'Nobody will believe me': Lack of reporting violence by disabled women. *Violence Against Women*. <https://doi.org/10.1177/10778012251384622>
- II. Gjecaj, E., Lawson, A., Traustadóttir, R., & Rice, J. G. (2023). 'We got lucky with the judge': Access to justice for disabled women in Iceland. *Laws*, 12(2), 21. <https://doi.org/10.3390/laws12020021>
- III. Gjecaj, E., Traustadóttir, R., Rice, J. G., & Bjargardóttir, H. B. (2024). 'They guarantee understanding both ways': Rights protection officers as facilitators of access to justice for disabled women. *Scandinavian Journal of Disability Research*, 26(1), 464–476. <https://doi.org/10.16993/sjdr.1051>

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Declaration of Contribution

Overall conceptualization and design of the research: EG, RT, AL

Data collection: EG

Lead role in data analysis: EG

Analytical direction and theoretical context: EG, RT, AL, JGR

Assistant with analytical direction and theoretical context: RT, AL, JGR, HBB

Writing: EG

Editing and supervision of writing: RT, JGR

In paper II, AL participated in refining the analysis and conceptualization of key areas.

In paper III, HBB participated in refining the analysis and coverage of Icelandic key legislation.

1 Introduction

A growing body of international research demonstrates the high risk, frequency, forms, and impact of violence experienced by disabled women throughout their lives—often perpetrated by multiple individuals. However, while the frequency and forms of violence have gained increased attention there is a distinct lack of research focused on access to justice, particularly in relation to the processes of reporting and prosecution of the violence. This dissertation seeks to develop a new and holistic understanding of the lived experience of disabled women in Iceland, as well as those who support them through the process of detecting, reporting and prosecuting violence. The aim is to deepen understanding and expand knowledge of this topic by critically examining access to justice for disabled women who have been subjected to gender-based violence. The research also explores innovative measures to enhance access to justice and identifies ways in which Icelandic legal processes can more effectively align with the international human rights obligations outlined in the UN Convention on the Rights of Persons with Disabilities (CRPD). The research contributes to the limited but growing body of scholarship on this underexplored topic.

1.1 Background

This research was initially a part of the Disability Advocacy Research in Europe (DARE) Innovative Training Network (ITN) funded by the European Union Horizon 2020 research and innovation programme under Marie Skłodowska-Curie grant agreement No. 814249 (2019-2022). As an interdisciplinary research project, DARE's goal was to give legitimacy, through research, to the lived experience of persons with disabilities, as a basis for law and policy reform. The DARE ITN consisted of 14 early-stage researchers (ESRs) at seven partner institutions in Europe, each undertaking a PhD work package designed to be interdisciplinary in scope, combining training in disability studies and disability law and policy. Based on their research findings, all the ESRs were to explore and develop policy recommendations in light of the CRPD. The title of the work package I successfully applied for was Voices of Women with Disabilities in the Context of Gender-Based Violence hosted at Centre for Disability Studies at the University of Iceland. Following consultation with my supervisor, it was decided to focus on violence against disabled women in Iceland and in providing a holistic understanding with a strong emphasis on access to justice.

The Centre for Disability Studies was established on 3rd of March 2006 and is dedicated to research in the broad field of disability with an emphasis on interdisciplinary scholarship including social, cultural, historical, and human rights

approaches. The Centre has a wide ranging national and international collaboration with scholars, universities and research centres in a number of countries, and works with advocacy groups, disabled people's organizations, policy makers, agencies and local and national governments. By bringing together teaching, research, policy and practice the Centre plays an important role in innovation and knowledge in the field of disability. In addition, I also completed an academic secondment, remotely due to COVID-19, at the Centre for Disability Studies, University of Leeds, UK, as required by the DARE project. Despite the complications posed by the pandemic, I greatly valued the opportunity to learn from experts and peers as part of the DARE training network. The mobility requirements of the DARE program required me to move from my home in Ireland to Iceland in the fall of 2019. This was a challenge for me as a visually impaired PhD student who did not speak Icelandic. The challenge took on a new dimension six months later when the COVID-19 pandemic hit Iceland in March 2020 creating significant barriers to the operation of the DARE project and collecting data for my study. The strength of and support from the academic community at the University of Iceland was an important contributing factor that made it feasible to undertake this research in Iceland, despite the pandemic. Iceland's small size facilitated access to participants and made an overview of the research field more attainable and, as such, was a solid basis for an empirically supported study that provided insight into how the rights, called for by the CRPD, are being actualized on the ground.

1.2 Positioning of Self

Identifying as a member of the community I am writing about has profoundly influenced my position concerning this research; a fact I feel it is essential to state from the start. Throughout the research I have considered my role as a disabled woman and the impact of that on my research as positive in relation to gaining the trust of my disabled women participants. As a disabled woman and researcher, I have been involved in activism in many countries since acquiring a visual impairment during my teenage years. Being a disability and medical service-user while living in many European countries, and having observed the role of women and of the perception of disability, have bestowed upon me a very diverse, open and multicultural way of thinking, which in turn has impacted who I am today and the direction I have taken in research and activism. In addition, my academic background in social sciences and disability law and policy provided me with a nuanced understanding of the multiple forms of discrimination and socio-legal barriers faced by disabled women as a marginalized group.

This has also guided my role as a disabled researcher and provided insights and strength throughout the interview process and data analysis. Thus, openly identifying as a disabled woman from the very beginning of the research enabled a starting level of trust between the disabled women participants and myself. All of the research participants were forthcoming and welcomed the opportunity to contribute their

experiences despite the sensitivity of the topic. My perception, as the interviewer, was that there was a sense of a shared goal and purpose to empower disabled women, debunk violence as a taboo topic, and a desire to advance the rights of disabled women regarding access to justice in Iceland. My role as a disabled researcher also influenced interviews and data collection with some of the non-disabled justice workers and experts. In particular, in conducting an interview with a disability monitor of services and with a government worker. In both these interviews I encountered observable reluctance and defensiveness. This appeared to be influenced by their awareness of my status as a disabled female researcher and their anticipations of my potential critical stance. This was not encountered in other interviews with non-disabled participants.

It was also important for me to be aware of the significance of uneven power balance between researcher and participants and the importance of not assuming the position of an “expert” with either group of participants. As noted by Traustadóttir (2001), in order to minimize the risk of “perpetuating Othering and re-creating Otherness” through one’s research, making it crucial to be “self-reflective about ourselves in relation to our research” (Traustadóttir, 2001, p. 11, 26). This kind of reflexivity needs to be a critical component of the research design. My association with the University of Iceland, and particularly my position as a PhD student at the Centre for Disability Studies, was very helpful in positioning me within the research. It enabled me to engage with non-disabled participants as an academic researcher, while allowing me to connect with disabled women participants through shared lived experiences—as a disabled woman conducting research among similarly positioned women in terms of disability. Overall, I sought to create a balanced relationship between participants and the researcher, where the emphasis was on shared ownership of the process and the findings of the research (Gluck & Patai, 1991; Traustadóttir, 2001; Traustadóttir, 2013; Wilkinson & Kitzinger, 1996). I saw my role as that of building on the knowledge that participants contributed and of analysing that expertise further, both in relation to the theoretical underpinnings of the research and the position reflected in the CRPD. I view myself as privileged to be where I am today and seek to use this privilege to contribute to the form of research and advocacy for the promotion of the rights of disabled women.

1.3 Purpose and Goals of the Research

This dissertation focuses on access to justice for disabled women who have been subjected to gender-based violence. The right to live free from violence and the right to effective access to justice on an equal basis with others are fundamental human rights closely aligned with the recognition of the multiple discrimination faced by disabled women asserted primarily in articles 6, 13, and 16 of the CRPD. The dissertation employs an interdisciplinary human rights approach through combining disability studies, gender studies and disability law and policy, to gain a contextualized

understanding of how the rights to live free from violence and effective access to justice, as stated by the CRPD, have been realised for disabled women in Iceland. The integration of these three approaches, one based in law and the other two in the social sciences, helps bridge the perceived gap in knowledge – identified by scholars such as Kanter (2006); Lewin et al. (2008); Quinn (2009); and Traustadóttir and Rice (2009) – between legal obligations, such as those articulated in the CRPD, and the lived realities of those these legal instruments are intended to protect and empower. A key element of this innovative interdisciplinary approach is the use of qualitative data to illuminate the lived experiences of disabled women. This approach provides insights into how the rights called for by the CRPD are being actualized on the ground. The commitment to empowering disabled women and achieve social justice is a core component of the interdisciplinary human rights approach, and is an emphasis adopted in this thesis.

To address the question at the heart of this dissertation – how the right to live free from violence and effective access to justice, as stated in the CRPD, have materialized in the lived reality of disabled women in Iceland – a qualitative study was undertaken. The research drew on data collected from four stakeholder groups identified as critical to the processes of reporting and prosecution of violence: (1) disabled women, (2) professionals who worked in support centres for women subjected to violence, (3) individuals within the justice system in connection with reporting and prosecution, and (4) experts in the field of disability, violence and the Icelandic justice system. The data collection involved 36 in-depth interviews, document analysis (published life stories, court documents, national laws and policies, and international human rights law) and field observations (court proceeding and visits to support centres). In recognition of the emancipatory emphasis of disability studies as an academic approach, a particular emphasis was placed on representing the perspectives of disabled women.

The findings of the study are presented across three articles in international peer-reviewed journals. The first of these articles, which focuses on the experiences of the disabled women who took part in the study, highlights the low rates of reporting the violence and analyses the multiple and complex reasons for this based on their experiences. It is entitled “‘Nobody will Believe Me’: Lack of Reporting Violence by Disabled Women,” published in the journal *Violence Against Women* in October 2025. The second article, published in *Laws* in February 2023, offers a detailed analysis of one Icelandic court case concerning gender-based sexual violence. The article traces the progression of the case from initial detection, through reporting, investigation, prosecution concluding with the judgement. Drawing on this case, the article provides a critical analysis of access to justice issues for disabled women who have been subjected to gender-based violence. It is entitled “‘We Got Lucky with the Judge’: Access to Justice for Disabled Women in Iceland.” The third article examines the role of Rights Protection Officers (Is. Réttindagæslumaður) in supporting disabled women in effectively accessing justice. It is entitled “‘They Guarantee Understanding

Both Ways': Rights Protection Officers as Facilitators of Access to Justice for Disabled Women," and was published in the *Scandinavian Journal of Disability Research* (SJDR) in September 2024. The article highlights the importance of procedural accommodations and forms a part of a special issue on Disability Human Rights.

Findings from the overall study have been, and will continue to be, shared through lectures and presentations at national, Nordic and international conferences. Furthermore, efforts have been made to share the knowledge and information generated from this project with disabled people's organisations, mainstream and disabled women's groups and organisations, policymakers, statutory bodies, public service providers, other researchers and practitioners, and social entrepreneurs.

1.4 Theoretical Perspectives

This dissertation adopts an interdisciplinary human rights approach, integrating disability studies, gender studies and disability law and policy, exploring how the rights of disabled women in Iceland—to live free from violence and to access justice—have been realised in practice. The human rights approach is both driven and supported by the CRPD (O'Mahony & Quinn, 2017), recognising disabled people and explicitly reiterating their standing as rights holders (Degener, 2016; Kanter, 2014). The Convention affirms a human rights perspective on disability and includes a recognition of the aggravated forms of discrimination often faced by disabled persons on the basis of the combination of disability with other factors (Degener, 2017). Hence, it explicitly acknowledges the compounded and aggravated forms of discrimination that may arise from the intersection of disability with other factors, including gender. Gender-based violence against disabled women constitutes a violation of multiple articles of the CRPD, including freedom from exploitation, violence and abuse (Art. 16); access to justice (Art. 13); and specifically in relation to disabled women (Art. 6). Flynn and Lawson (2013) emphasise the importance of interpreting the CRPD's right to access justice in a contextual manner, recognizing its overlap with other rights and CRPD provisions. This dissertation focuses on the actualization of these rights through the lived experiences of women in Iceland. It 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 central role of intersectionality and the need for particular attentiveness to securing the rights of disabled women. The Convention was signed by Iceland in 2007 and ratified in 2016. By becoming party to the Convention, States commit to developing and reforming national laws to bring them in line with the CRPD (Stein & Lord, 2009). However, the Convention still needs to be transposed into Icelandic law to formally gain the status of national law (Gjecaj et al., 2023). Thus, the analysis of the interlinkage of these three articles, and how they connect with the lived experiences of disabled women in Iceland, is the main goal and purpose of this dissertation.

Building on the human rights approach to disability (Degener, 2017), this dissertation integrates the social science approach to disability with gender studies. With its roots in the politics of the disability rights movements, disability studies draw attention to the social oppression, discrimination and exclusion of disabled people (Barnes, 1991; Campbell & Oliver, 1996; Altermark, 2018). As an interdisciplinary discipline (Goodley, 2025) which explores the lives of disabled people in social (Gustavsson et al., 2005), cultural (Sigurjónsdóttir et al., 2013) and political (Soldatić & Meekosha, 2012) contexts and emphasise the lived experiences of disabled individuals (Mitchell et al., 2006), disability studies provide an important perspective for this study. Importantly, disability studies are also closely related to the CRPD given that the social understanding of disability within disability studies was instrumental in creating the ideology and knowledge base which laid the foundation for the development of the CRPD (Lawson & Priestley, 2017; Traustadóttir, 2009). With a long history of interdisciplinary research, gender studies address the multiple and intersecting forms of discrimination and power relations (Collins, 2009). This approach has informed the analysis of how gender, disability, sexuality, race, class and religion, expose disabled women to multiple systems of oppression (Barrett et al., 2009), leaving them disempowered and more vulnerable to violence than non-disabled women (Goodley & Runswick-Cole, 2011; Humphrey, 2016; Shah et al., 2016). The interdisciplinary approach adopted in this study combining disability human rights, disability and gender studies provides a lens that is well-suited to examining the complex realities of disabled women's experiences of violence and access to justice.

1.5 Structure of the Dissertation

This dissertation consists of six chapters. Following the introductory chapter, Chapter Two outlines the interdisciplinary theoretical framework underpinning the dissertation, with a particular emphasis on the human rights approach and its close alignment with the CRPD. Chapter Three provides a review of the literature relevant to the subject of the study. Chapter Four describes the research design, including the qualitative methodology and methods employed. The chapter provides an overview of the participants and data collection process, concluding with a discussion of the ethical challenges and the strengths and limitations of the research. Chapter Five consists of the collection of three journal articles that present the findings of the study. The final chapter, Chapter Six, offers concluding reflections and recommendations based on the findings of the study and the emerging new law and policy landscape of gender-based violence and disability human rights.

2 Theoretical Perspectives

This dissertation focuses on the right of disabled women to live free from violence and their access to justice if they have been subjected to violence. Furthermore, it highlights the relevance of the everyday reality of disability, in the form of lived experience, to detecting, reporting and prosecuting gender-based violence. This focus is an integral part of both the human rights as well as the social science approaches to disability, and central to the broader goal of attaining full human rights for disabled women. To illuminate this shared emphasis, this chapter will introduce the human rights approach to disability as articulated in the UN Convention on the Rights of Persons with Disabilities (CRPD). Particular attention is given to the CRPD's recognition of the multiple and intersecting forms of discrimination faced by disabled women, and the rights articulated in Articles 6, 13, and 16—concerning gender-based violence, access to justice, and freedom from exploitation, violence, and abuse. The chapter will then turn to introducing the foundations and key contributions of disability studies and gender studies, both of which critically examine power relations and structural inequalities in society. Attention will be drawn to linking the three fields of study as the core components of the interdisciplinary human rights approach underpinning this dissertation. Their shared emphasis on emancipation and the importance of grounding theory in the lived experiences of marginalized groups—particularly disabled women—forms a unifying thread throughout the analysis. Attention will also be drawn to how the interdisciplinary approach has contributed insight to the analysis and interpretation of the research data that is at the heart of this thesis.

2.1 The Human Rights Approach to Disability

The human rights approach to disability is both driven and supported by the CRPD (O'Mahony & Quinn, 2017), which broke new ground when it entered into force on 3 May 2008 as the first human rights convention of the 21st century. The adoption of the CRPD signalled a "new era for people with disabilities" (Lawson, 2007, p. 619), recognising disabled people as rights holders (Arnardóttir, 2009; Kanter, 2014; Quinn, 2009), and thus, representing a paradigm shift toward a new international acceptance of this understanding of disabled people (Degener, 2016). The Convention encapsulates a human rights perspective on disability while also acknowledging its foundations in the social model perspective (Degener, 2016; Kanter, 2006; Lawson & Beckett, 2020; O'Mahony & Quinn, 2017), 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). The human rights approach thus merges a social understanding of

disability with recognition of disability as a human rights issue (Degener, 2016; Kanter, 2006; O'Mahony & Quinn, 2017). Hence, as a human rights instrument the Convention gives "disability rights a firm and fixed place within the constellation of international human rights" (O'Conneide, 2009, p. 163).

While the human rights approach to disability clearly shares important aspects of the social-contextual understanding of disability, particularly the view that society bears the chief responsibility for creating barriers that disabled people face, Degener (2016) warrants that the human rights approach should be regarded as representing a new and a distinct model of disability. The human rights approach, as articulated in the CRPD, extends beyond the scope of the social approach, providing additional means of reaching the goal of full disability equality. It fundamentally shifts the position of disabled people from being the passive recipients of welfare to active rights holders with entitlements (Degener, 2016; Kanter, 2014; Office of the United Nations High Commissioner for Human Rights, 2017; Stein & Stein, 2007). Perhaps one of the most significant advancements of the human rights model is its explicit recognition of the "different layers of identity" (Degener, 2016, p. 10), recognizing the aggravated forms of discrimination often faced by disabled persons on the basis of the combination of disability with other factors (Degener, 2017). Hence, it recognizes the multiple marginalisation resulting from the intersection of disability and gender faced by disabled women, which is specifically outlined in Article 6 of the CRPD on Women and Girls with Disabilities. Furthermore, as Kanter (2014) points out, the CRPD reframes the limitations imposed on disabled people as violations of their human rights, replacing the language of needs with that of rights that can be claimed. Within this framework, gender-based violence against disabled women constitutes a violation of multiple CRPD provisions: Article 6 (Women and Girls with Disabilities), Article 13 (Access to Justice), and Article 16 (Freedom from Exploitation, Violence, and Abuse). Thus, the analysis of the interlinkage of these three articles, and how they connect with the lived experience of disabled women in Iceland, is the central goal and purpose of this dissertation.

The Convention was signed by Iceland in 2007 and ratified in 2016. By becoming party to the Convention, States commit to developing and reforming national laws to bring them in line with the CRPD (Stein & Lord, 2009). However, as noted by Quinn (2009), adopting a legal text will not automatically lead to substantive changes in domestic legal systems or institutional practices. Iceland is no exception. Due to the dualist nature of its legal system, the CRPD needs to be transposed into Icelandic legislation to formally gain the status of national law. While some disability-specific and related legislation enacted since ratification has incorporated CRPD provisions, the Convention still awaits formal recognition as Icelandic law. Its transformative potential has therefore not yet been fully realized in practice.

2.1.1 Article 6. Women and Girls with Disabilities

Prior the adoption of the CRPD, no legally binding United Nation's instrument adequately addressed the intersectional discrimination faced by disabled women (Mykitiuk & Chadha, 2010; Quinn & Degener, 2002). Thus, the CRPD became the first instrument of its kind to focus on the multiple and compounding forms of discrimination experienced by disabled women (Mykitiuk & Chadha, 2018; Schulze, 2010). The Convention introduced a milestone achievement with its "twin track approach," dedicating a stand-alone article to disabled women and incorporating gender-specific language in its substantive articles, while also affirming an intersectional, human rights perspective (Blanck et al., 2007; Kayess & French, 2008; Mykitiuk & Chadha, 2018).

Article 6 paragraph 1 of the CRPD explicitly acknowledges that disabled women and girls are subject to multiple discrimination and requires States Parties to take appropriate measures to ensure the full and equal enjoyment of all rights articulated in the Convention (Committee on the Rights of Persons with Disabilities, 2016). The implications of Article 6 are explained by the CRPD Committee in its General Comment No. 3, issued in 2016 and which outlines the scope and nature of the rights and responsibilities in the Convention regarding disabled women. Although the CRPD does not include the term intersectionality, General Comment No. 3 confirms that "multiple discrimination" in Article 6 has an underlying intersectional analysis, and makes several references to the concept. Here intersectionality is stated to refer "to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable" (Committee on the Rights of Persons with Disabilities, 2016, para. 4). The General Comment lists a non-exhaustive range of intersecting grounds for discrimination, including: "age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant, or asylum status, religion, sex, or sexual orientation" (Committee on the Rights of Persons with Disabilities, 2016, para. 4(c)). Furthermore, General Comment No. 3 states that the concept of intersectional discrimination acknowledges the "experiences of heightened disadvantage of individuals caused by multiple and intersecting forms of discrimination" and emphasizes intersecting discrimination as a priority area of concern for states in improving the disadvantaged status of disabled women (Committee on the Rights of Persons with Disabilities, 2016, para. 16). This recognition of multiple discrimination correlates with the CRPD's guiding principle of respecting the diversity of the disability community and acknowledgement of aggravated experiences of discrimination (Article 3 General Principles), and the protection against discrimination on the enumerated grounds required by article 5 (Equality and non-discrimination). Thus, Article 6 stands as a clear statement of the duty of states to safeguard and promote gender equality by taking effective and specific gender-appropriate measures to prevent intersectional discrimination faced by disabled women.

Paragraph 2 of Article 6 obliges states to take “appropriate measures to ensure the full development, advancement and empowerment” of disabled women in relation to all of the rights articulated in the Convention. This paragraph embodies positive human rights obligations with respect to disabled women and confirms that Article 6 is more than just an anti-discrimination clause by asserting affirmative governmental responsibility to take all “appropriate measures” to facilitate the realization of the Convention’s rights and freedoms. General Comment No. 3 explains that the “appropriate measures” declared in paragraph 2 “... may be temporary or long-lasting and should overcome de jure and de facto inequality” of disabled women, and that while “temporary special measures such as quotas” may be necessary to overcome systemic discrimination, long-term, proactive measures, such as legislative reform, are “essential prerequisites for achieving substantive equality for women with disabilities” (Committee on the Rights of Persons with Disabilities, 2016, para. 20). Gender and disability-specific initiatives, for example, can take different forms: educational, legislative, administrative, or political measures that are targeted at promoting disabled women’s development and empowerment in order to meaningfully exercise and enjoy their rights and freedoms (Committee on the Rights of Persons with Disabilities, 2016, para. 24). The empowerment of disabled women includes promoting their participation in public decision-making (Committee on the Rights of Persons with Disabilities, 2016, para. 23). This in human rights approach research can be established by “embedding lived experience in rights-based claims and in the development of social justice theories” (Degener, 2016, p. 6).

Article 6 in its entirety, as Mykitiuk and Chadha (2018) point out, 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). Effectively, the requirement of such measurement’s links article 6 with other provisions in the CRPD and highlights the cross-cutting nature of article 6. For example, gender equality is a founding principle of the CRPD (in preamble sub-paragraphs (d, p, q, and s,) and Article 3: General Principles), and gender is specifically referenced in several thematic articles such as Article 8 (Awareness-raising), 16 (Freedom from Exploitation, Violence and Abuse), 25 (Health), and 28 (Standard of Living) as well as in Article 31 which calls for mandatory gender parity for the configuration of the CRPD Committee. In view of the subject matter of the dissertation, this emphasis on the need for initiatives which are sensitive both to disability and gender has to be read across into the CRPD’s provisions in Article 16 on Freedom from Exploitation, Violence and Abuse and Article 13 on Access to Justice.

2.1.2 Article 16. Freedom from Exploitation, Violence and Abuse

Consisting of 5 paragraphs, Article 16 elaborates on the rights of disabled persons to be free from exploitation, violence and abuse, and includes a number of references to

the specific needs of disabled women and children. In its entirety, Article 16 takes a holistic approach to disability-related violence, exploitation and abuse, imposing a variety of state obligations relating to protection, prevention, education and training, monitoring and redress, reporting, investigation and prosecution, and victim support and rehabilitation. This includes addressing the gender-based aspects of the violence by taking into account gender- and age-specific needs. When emphasising the linkage between Article 6 and Article 16, the CRPD Committee, in its General Comment No. 3 (2016), documents that disabled women experience violence and abuse as a consequence of “physical force, economic coercion, trafficking and deception; misinformation; abandonment; the absence of free and informed consent ... neglect ... bullying, verbal abuse ... psychological manipulation” (Committee on the Rights of Persons with Disabilities, 2016, para. 31). This outline of a long, non-exhaustive list of the types of violence, exploitation and abuse that disabled women may experience, includes forms of gender-based violence also experienced by non-disabled women, as well as unique forms of violence as a result of the disability (paras. 31 and 32). Examples include disability-specific mistreatment such as the removal of communication aids or the harming of assistance dogs, and abuse that is gender-specific such as forced pregnancy or sterilisation and deliberate withholding of personal care (for example assistance with washing and menstruation management) (Committee on the Rights of Persons with Disabilities, 2016, paras. 31, 32). This has been demonstrated by a substantial body of international and Icelandic research (Dowse et al., 2016; Emerson & Llewellyn, 2023; Haraldsdóttir, 2017; Hughes et al., 2012; Shah et al., 2016; Snæfríðar-Gunnarsdóttir et al., 2023) and it was also a central focus of my own research involving disabled women. Article 16 is particularly significant because it frames freedom from such forms of mistreatment as a specific human right, and elaborates context specific examples of violence that disabled people experience as related to the provision of care, both within and outside of the home (Committee on the Rights of Persons with Disabilities, 2016, para. 29; Keeling, 2018; Marchesi, 2017; Mykitiuk & Chadha, 2018). Hence, it extends state obligations into a wide range of arenas, including the family home and residential settings and institutions.

Given the focus of this dissertation, the concluding paragraph of Article 16 is particularly noteworthy. Paragraph 5 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.” It explicitly emphasises the obligation for “women- and child-focused legislation and policies” which reflects the focus on these two groups as experiencing higher levels of harm, in particular sexual and economic violence, and thus, such legislation and policies must clearly respond to the issues that these groups face (Keeling, 2018). Traditionally, as noted by Lawson (2017), 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. Although Article 13 stands as the

“access to justice” provision of the CRPD, Article 16(5) also targets the same by urging states to adopt law and policy measures ensuring that disabled women have access to adequate support in the detection and prosecution of violence, and that their reports are taken seriously. Together, these two provisions should be interpreted in a complementary manner, highlighting the need for systemic adjustments within the justice system to accommodate the specific needs of disabled women.

2.1.3 Article 13. Access to Justice

Access to justice is defined as “[t]he ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards” (United Nations Development Programme, 2005, p. 5). Hence, access to justice enables people to have their voices heard and to exercise their legal rights enshrined in national legislation and international human rights conventions. By dedicating a specific article to this right for disabled people, the CRPD affirms access to justice as a fundamental human right. In so doing, the Convention aligns with the broader global recognition that access to justice as a fundamental human right which supports the enjoyment of other human rights (Flynn & Lawson, 2013; Lima & Gomez, 2020; Mégret, 2008). As part of enabling access to justice, Article 13(1) 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. Paragraph 1 also requires states to facilitate the effective role of disabled people as “direct” and “indirect” participants in all stages of legal proceedings (Art. 13(1)). As noted by Flynn and Lawson (2013), at a basic level, the right to access justice set out in Article 13 can be viewed as an extension of pre-existing universal rights to an effective remedy and to a fair hearing. Access to justice for disabled people include “people’s effective access to the systems, procedures, information, and locations used in the administration of justice” (Lord et al., 2009). Therefore, understanding effective access to justice requires a focus not just on the outcome but also on the process and its accessibility and flexibility in adjusting to the needs of an individual.

The requirement to provide “procedural and age-appropriate accommodations” are group related provisions as explained by CRPD Committee in its General Comment No. 2 on Article 9 (Accessibility) (2014, para. 22). 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. Hence, procedural accommodations include the development of systems and practices that are primarily group-oriented. Flynn (2013) identified independent statutory advocacy schemes as an example of a type of procedural accommodation that States might adopt in the implementation of Article 13 of the CRPD. Despite Flynn’s (2013) argument about the benefits and importance of such schemes, relatively little has been written about them. Examples of such provisions do exist in some countries, for example the Independent Mental Capacity Advocate in England and Wales, the

Office of the Public Advocate in Victoria, Australia, and the National Advocacy Service in Ireland. These, however, seem to operate on a volunteer or non-statutory basis, or support only people with certain impairments (Flynn, 2015). Given the critical importance of procedural accommodation, this became a key focus of my research.

Moreover, the obligation to provide procedural accommodation overlaps with the highly case-specific reasonable accommodation duty, as Article 13 also draws on rights to be free from discrimination, which is clearly implicit in the phrase “on an equal basis with others”. Even though Article 13 makes no explicit reference to reasonable accommodation, in this regard, justice system staff will clearly have an obligation to make reasonable accommodations in line with the requirements of CRPD’s Article 5 (Equality and Non-discrimination). When determining the effectiveness of access to justice in the context of disability, 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. In this context and as defined in Article 2 of the CRPD, a reasonable accommodation is the “necessary and appropriate modification and adjustments” to standard practice or procedure, undertaken to remove a particular disadvantage at which a specific disabled person would otherwise be placed. These adjustments may include allowing more time to provide evidence and frequent breaks for the disabled person, visiting the court facilities before the hearing, or changing the environment of the courtroom based on individual sensory needs. Failure to provide reasonable accommodation constitutes discrimination as outlined in Article 5 of the Convention. Even though the reasonable accommodation duty includes within it a limitation based on undue or disproportionate burden, unlike the procedural accommodation requirement, it should seldom justify a state’s failure to provide the accommodations necessary to ensuring access to justice for a disabled person (Office of the United Nations High Commissioner for Human Rights, 2017, para. 25).

Despite the distinction between procedural and reasonable accommodations, one being group-related and the other individual-related, the Committee on the Rights of Persons with Disabilities (2014) 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” (para. 33). Even though Article 13 does not reference gender, Flynn and Lawson (2013) have drawn attention to the importance of interpreting the CRPD’s right to access justice contextually. They argue that this right must be understood in conjunction with other provisions of the CRPD, particularly those addressing freedom from violence and acknowledgement of the importance of intersectionality. In its General Comment No. 3 (2016), the CRPD committee links Article 6 (Women and Girls with Disabilities) with Article 13, highlighting the barriers that disabled women frequently encounter in accessing justice. These include, among others, the failure to provide procedural and reasonable accommodations (para. 52). Flynn and Lawson (2013), note that barriers to

justice encountered by disabled people tend to vary based on intersectional positions (such as class, gender, race/ethnicity, age, etc) and types of impairments. These barriers create situations of multiple and intersecting forms of discrimination against disabled women with regard to access to justice and the elimination of violence. Hence, the provision of both procedural and reasonable accommodations are key obligations if disabled people/women are to be afforded equal access to justice as direct and indirect participants in all stages of legal proceedings.

Article 13(2) adopts a broader approach and requires states to ensure appropriate training of all personnel involved in the administration of justice, including the police. Much of the CRPD Committee's concluding observations, as summarised by Flynn (2018), have focused on the need for more training for a wide range of professionals. This expansive interpretation extends beyond legal professionals, court staff, police and prison staff, to include social workers and healthcare workers. Keeling (2018) also highlights the references to the lack of training for professionals in the CRPD Committee's concluding observations on article 16(5) regarding the requirement to adopt law and policy to ensure the identification, investigation, and prosecution of instances of violence. Connecting the requirements of article 16(5) with article 13, she points out that "in order to ensure effectiveness, there must be adequate training for professionals to ensure that they are able to identify harm, as well as investigate suspicions or reports" (Keeling, 2018, p. 492). This is especially important for disabled women given the intersectional barriers faced by them in addressing violence and accessing justice. 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. The need for training is emphasized not only in Articles 13 and 16 of the CRPD, but also in current Icelandic legislation and procedural guidelines. Recognizing its critical role in ensuring effective access to justice, this became a key area of focus in my research.

2.2 Disability Studies

As a relatively new academic discipline, disability studies has seen a remarkable expansion, rapid development and increased sophistication as an interdisciplinary field of inquiry over the past decades (Goodley, 2025; Shildrick, 2012). With its roots in the politics of the disability rights movements, disability studies challenge the over-medicalised and individualised accounts of disability and, instead, draws attention to the social oppression, discrimination and exclusion of disabled people (Barnes, 1991; Campbell & Oliver, 1996). This new social understanding of disability has shifted focus from the individual to the environment and the social barriers disabled people face in their everyday lives. Disability studies scholars have been instrumental in re-conceptualising disability and in developing the social-contextual understanding of disability which created "the knowledge base which has informed the international legal

development” most important of which has been the foundation for the UN Convention on the Rights of Persons with Disabilities (2006) (Traustadóttir, 2009, p. 16; Lawson & Priestley, 2017).

Disability studies explores the lives of disabled people in social, cultural and political contexts and emphasise the lived experiences of disabled individuals (Goodley, 2025) providing an important perspective for my research. As Shakespeare (2015) comments, disability studies focus on understanding the experiences and views of disabled people and explores society’s responses to the challenges of impairment and inclusion. Hence, disability studies can help fill knowledge gaps and support policy change, both of which “depend on sound empirical research and valid normative argument, not slogans, assertions or anecdotes” (Shakespeare, 2015, p. 2).

What characterises disability studies and the social understanding of disability is the emphasis on the social context and the environment; attention to social barriers and the relationship between the individual and society (Traustadóttir, 2009). However, disability studies scholars such as Tøssebro (2004) and Shakespeare argue that there is not one “social model” of disability but a “family of social-contextual approaches” (Shakespeare, 2006, p. 28). One of these being the “British social model” which has been influential in providing a basis for understanding disability as resulting from a historical, material and social conditions, which create disabling barriers that marginalise and exclude disabled people (Oliver, 1996; Thomas, 1999). This version of the social model has influenced the development of disability studies and been critically important for disabled people and the disability movement, both in Britain and elsewhere in the world (Barnes et al., 2002; Shakespeare, 2006).

The Nordic “relational approach” to disability is another approach to a social understanding of disability developed within the Nordic welfare states (Gustavsson et al., 2005). How disability is understood in the Nordic countries is closely related to long standing basic principles and values of the welfare state such as citizenship rights and equality and historical attempts to extend these to the entire population, including groups previously excluded such as disabled people (Traustadóttir, 2009). The Nordic understanding of disability stresses the complex and situated interaction between individual aspects and the environment, highlighting how society has not considered the entire population and is not adapted to the range of human diversity. This understanding of disability as relative and based on arbitrary definitions and classifications is an important aspect of a socially constructed understanding disability (Traustadóttir, 2009). As one of the Nordic countries, Iceland shares the Nordic relational and relative understanding of disability (Gustavsson et al., 2005; Traustadóttir et al., 2013; Tøssebro, 2004), which focuses on how disability is created by societal barriers that contribute to social exclusion, powerlessness and marginalisation of disabled individuals (Shakespeare, 2013). The relational approach was of particular importance for the presented study given the powerlessness and marginalisation of

disabled women regarding gender-based violence and societal barriers to access justice. Furthermore, developed in and influenced by Nordic and international contexts, disability studies in Iceland was formally established in 2004 at the University of Iceland with a growing interdisciplinary approach and recently celebrated its 20-year anniversary. As noted by Traustadóttir et al. (2013) disability studies in Iceland is a vibrant and diverse area of scholarly inquiry, is interdisciplinary and employs various theoretical perspectives. The present research is a case in point with its interdisciplinary approach.

2.3 Gender Studies

Gender studies have a long history of interdisciplinary research, addressing the multiple and intersecting forms of discrimination and power relations (Collins, 2009). Feminist scholars in the 1990s, relying on the concepts of “intersectionality and multiple discrimination”, re-conceptualized women’s identities to capture their lived realities of multifaceted sources of oppression (Crenshaw, 1991; Duclos, 1993). In her groundbreaking scholarship on intersectionality, Kimberlé Crenshaw emphasized that violence against women is not only shaped by gender but other dimensions of identity (Crenshaw, 1991). Feminist disability scholarship has built upon this in highlighting how disabled women are constructed as abnormal at the intersections of norms of gender, ability and sexuality (Garland-Thomson, 2011; Hall, 2011; Shildrick, 2009). This approach has informed the analysis of how gender, disability, and other aspects such as race, class and religion, expose disabled women to multiple systems of oppression (Barrett et al., 2009), leaving disabled women more disempowered and vulnerable to violence than non-disabled women (Goodley & Runswick-Cole, 2011; Humphrey, 2016; Shah et al., 2016). Hence, the intersectional and interdisciplinary approach of gender studies provide an important lens when studying the incidence of violence and the justice outcomes for disabled women.

While shifting the focus from the single identity category or formal ground of discrimination attached to a woman, the intersectional approach investigates the impact of the discrimination based on the intersection of one’s identity and experience of disability, gender, race, and other relevant characteristics. Thus, a multiple discrimination analysis seeks to reflect how disadvantage is experienced in the lives of disabled women, which in turn is “consistent with the social model of disability because it does not locate the problem as inherent to the individual’s characteristic but rather spotlights the disadvantage that occurs because of how society is constructed and treats the individual” (Mykitiuk & Chadha, 2018, p. 184). Using Garland-Thomson’s (2013) understanding of feminist theory as a way of “investigating how culture saturates the particularities of bodies with meanings and probes the consequences of those meanings” it becomes apparent that intertwining feminist theory and disability studies provides a rich framework to understand the vast complexities of disabled women’s experiences, particularly around gender-based violence and access to justice (Garland-

Thomson, 2013, p. 335). The intersectional approach is also consistent with the reference to “multiple discrimination” in Article 6 of the CRPD, which underlies an intersectional analysis of the scope and nature of the rights and responsibilities in the Convention regarding disabled women. This consistency between the three combined theoretical approaches highlights the suitability of the employed interdisciplinary human rights approach to the subject matter of this dissertation.

Moreover, as noted by Smith (1990), traditionally, everyday life experiences have been undervalued as the basis for knowledge, weakening the position of marginalized groups. Recognizing lived experience as knowledge is pivotal to the ability of marginalized groups to assert themselves, and recognizing knowledge that emerges from lived actualities will strengthen the knowledge claims of marginalized and oppressed people (Smith, 1990). Smith’s emphasis on valuing the knowledge derived from everyday lived experiences is reflected in both disability studies and the human rights approach to disability embodied in the CRPD, which recognizes the importance of “embedding lived experience in rights-based claims and in the development of social justice theories” (Degener, 2016, p. 6). The emphasis on the role of lived experience as a source of knowledge is also shared by the CRPD itself and the philosophy of the disabled people’s movement, so vividly reflected in its rallying call “Nothing About Us Without Us”. This focus, to empower disabled women and achieve social justice through grounding theory in empirical research, is an emphasis adopted in this dissertation.

2.4 Summary and Conclusion

This chapter has discussed the interdisciplinary theoretical foundations of the dissertation, with a particular emphasis on the human rights approach to disability, disability studies, and gender studies. It highlights their shared emphasis on an emancipatory ethos of these approaches and the importance of grounding theory in the everyday lived experiences of disabled women. Furthermore, the chapter discusses the key emphasis that the CRPD places on the right of disabled women to live free from violence and to access justice, highlighting in particular by Articles 6, 16 and 13. These provisions provide a strong but also nuanced framework for understanding the complex and intersecting challenges that disabled women experience regarding gender-based violence and access to justice. The interdisciplinary approach adopted in this study emphasizes the multiple and intersecting forms of discrimination and power relations that contribute to the social exclusion, powerlessness and marginalisation of disabled women. It recognizes the importance of grounding theory in empirical research, in particular through the collection and analysis of the lived experiences of disabled women which serve as a valuable source of knowledge. This approach ultimately aims to assist in empowering disabled women with the goal of achieving social justice.

The following chapter presents a review of the literature relevant to this study.

3 Review of Literature

The purpose of this literature review is to highlight previous research and scholarship that have enriched the understanding of violence against disabled women and their access—or lack thereof—to justice. An important part of the knowledge that informs my research comes from the literature that addresses the close ties between the experiences of violence and barriers to justice encountered by disabled women. In addition, this chapter highlights how this focus on the disabled women’s experiences is embedded in the Convention on the Rights of Persons with Disabilities (CRPD) and in the literature that it has inspired. The chapter situates these contributions within the broader context of my doctoral research, demonstrating how they have shaped and informed the development of this dissertation. The chapter also addresses how the research contributes to the existing literature that is helping to bridge the perceived gap between rights as stated by law and how they are experienced in the lives of disabled women. While the majority of the literature originates from the Global North, efforts have also been made to include research from other areas of the world to provide a more inclusive and comprehensive analysis.

3.1 Understanding Violence Against Disabled Women

Violence is a multifaceted concept that manifests in many forms and is defined in numerous ways. For example, violence against women is defined as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Declaration on the Elimination of Violence Against Women, 1993, Art. 1; World Health Organisation, 2001, p. 5). Similarly, UN Women (2025) define gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” These definitions underscore the diverse manifestations of violence against women which can be perpetrated by everyday contacts such as intimate partners, family members, employers, service providers, law enforcement, educators, and even strangers. Significant concerns regarding the persistent and high levels of violence against women have been expressed by international human rights bodies (Council of Europe, 2011; European Union Agency for Fundamental Rights, 2014; World Health Organisation, 2001). In addressing this complex phenomenon, it is important to note that violence against women is not only shaped by gender but other dimensions of identity (Crenshaw, 1991). Due to multiple and intersecting forms of discrimination on

the basis of gender and disability, and other factors like race, age, class and religion, disabled women face and are exposed to multiple systems of oppression (Barrett et al., 2009). These intersecting forms of oppression contribute to a social constructed power imbalance in most societies (Hague et al., 2011), that renders disabled women more disempowered and vulnerable to violence than non-disabled women (Gartrell et al., 2017; Goodley & Runswick-Cole, 2011; Humphrey, 2016; Shah et al., 2016). As will be detailed in the section below, with the intersection of gender and disability, as noted by Ortoleva and Lewis (2012, p. 14), violence takes on “unique forms, has unique causes, and results in unique consequences”.

The ways in which violence is understood, named, and categorized are deeply influenced by prevailing ableist systems and ideologies (Mueller et al., 2019). Understandings of violence are socially constructed, reflect power relations (Hollomotz, 2012), and often fail to capture the different manifestations of violence experienced by disabled women (Snæfriðar-Gunnarsdóttir et al., 2023). Given this complexity, activists and researchers have argued for an intersectional approach when researching violence against disabled women (Baladerian, 2009; McGowan & Elliott, 2019; Nixon & Humphreys, 2010). Following such activists and scholars, this research employs an intersectional approach to develop a more nuanced understanding of violence. This approach highlights the systematic and intersectional inequalities disabled women face, particularly when dealing with the justice system. This research aims to raise awareness of the barriers within the justice system and advocate for more inclusive responses.

3.2 Disabled Women’s Experiences of Violence

Recognised as a major human rights concern (Didi et al., 2016; European Union Agency for Fundamental Rights, 2014), violence against disabled women has been described as the first of “three main subjects of concern” regarding the protection of disabled women’s human rights (Committee on the Rights of Persons with Disabilities, 2016, para. 10). A growing body of international and Icelandic research has documented the prevalence, manifestation and impacts of violence on disabled women throughout their lives. Below I discuss three major relevant themes in the literature on violence against disabled women, the forms, frequency and contexts of violence.

3.2.1 Forms of Violence

A substantial body of international research has demonstrated the multiple forms and manifestations of violence experienced by disabled women, including sexual, emotional, physical, institutional, intimate partner violence, and disability-based hate speech and prejudice (Australian Human Rights Commission, 2018; Baladerian, 2009; Benedet & Grant, 2014; Curry et al., 2009; Douglas & Harpur, 2016; McConnell & Phelan, 2022; Rowlands & Amy, 2017; Yoshida et al., 2009). Although not always specifically focused on violence, studies in Iceland that have explored different aspects

of disabled women's lives have frequently found various forms of violence and abuse similar to those reported in international research such as sexual and physical violence, institutional abuse, forced sterilisation or abortion (Björnsdóttir, 2011; Sigurjónsdóttir & Traustadóttir, 2001; Stefánsdóttir, 2008, 2011; Traustadóttir, 1993). More recent studies have focused on and highlighted the different manifestations of violence against disabled women in Iceland including bullying in childhood, sexual, emotional and physical violence in their homes by family members and partners, by staff members within residential services, forced sterilisation and institutional abuse through coercive rules and practices within disability services (Arnalds & Snæfríðar-Gunnarsdóttir, 2013; Snæfríðar-Gunnarsdóttir & Traustadóttir, 2015; Stefánsdóttir, 2014; Stefánsdóttir & Hreinsdóttir, 2013; Traustadóttir & Snæfríðar-Gunnarsdóttir, 2014). Studies have also demonstrated that that women who have multiple marginal status due to gender, disability, sexual orientation and financial strain are at increased risk of violence (Snæfríðar-Gunnarsdóttir et al., 2023). This literature has also highlighted the negative psycho-emotional effects of being subjected to different forms of direct and indirect violence (Bergsveinsdóttir, 2017; Haraldsdóttir, 2017) and has shown that disabled women report significantly worse health outcomes than non-disabled women regarding physical and mental health, particularly as a consequence of the violence (Snæfríðar-Gunnarsdóttir, 2017).

Both international and Icelandic literature have documented a wide, though non-exhaustive, range of violence experienced by disabled women. This includes the same forms of gender-based violence as those faced by non-disabled women, as well as unique forms of disability related violence. For example, an international organisation for and led by disabled women, the Women Enabled International (WEI) Fact Sheet (2021) on the 'Right of Women and Girls with Disabilities to be Free from Gender-Based Violence,' provides a comprehensive enumeration of the unique and intersectional forms of violence experienced by disabled women due to gender, disability and other characteristics. The forms of gender-based violence disabled women share with non-disabled women include intimate partner violence, family violence, sexual violence, and sexual harassment (WEI, 2021). Distinct forms of gender-based violence due to disability include "sexual abuse by a caregiver; withholding of medication or an assistive mobility device; purposefully substandard care; denial of necessities like food, toileting, or grooming; control of sensory devices; financial control; restriction of communication devices; 'virgin rape'; violence in long-term care institutions; and enforced isolation" as well as guardianship and other formal or informal deprivation of decision-making power, and compounded forms of gender-based violence (WEI, 2021).

The Committee on the Rights of Persons with Disabilities (2016, paras. 31 and 32) also documents disability-specific mistreatment such as the removal of communication aids or the harming of assistance dogs, and abuse that is gender-specific such as forced pregnancy or sterilisation and deliberate withholding of personal care. Research on

violence against disabled people and those specifically on disabled women has mostly focused on particular impairment groups or certain forms of violence. For example, a significant body of literature has addressed violence against people with intellectual disabilities. This research has highlighted that violence is more prevalent among people who have significant and multiple impairments and need support in their daily lives (Åker & Johnson, 2020; Barrett et al., 2009; Plummer & Findley, 2012; Steele, 2017). Research also shows that women with intellectual and mental health impairments report higher incidences of violence than other disabled women (Dammeyer & Chapman, 2018; Hughes et al., 2012). Regarding specific forms of violence, research has frequently focused on intimate partner violence, revealing that disabled women were significantly more likely than non-disabled women to report experiencing all forms of such violence, which includes rape, sexual violence other than rape, physical violence, stalking, psychological aggression, and control of reproductive or sexual health (Breiding & Armour, 2015; D'Costa, 2025). Furthermore, research shows that disabled women are at a higher risk than non-disabled women of experiencing violence from family members and partners (Barrett et al., 2009; Brownridge, 2006; Smith, 2008). Research also demonstrates that disabled women are often met with disbelief when they report such violence and often receive insufficient support when they do (Åker & Johnson, 2020).

Even though some forms of violence are common among disabled and non-disabled women, research has also identified the ways in which violence against disabled women is complex and distinct (Nixon, 2009). Examples include similar forms of violence as reported in the WEI Facts, such as violence perpetrated by caregivers (Saxton et al., 2001) and violence that stems from oppressive power structures and disabled women's socially marginalised status (McGowan & Elliott, 2019). Qualitative studies have contributed to the knowledge of these forms of violence and have revealed how violence persists within services for disabled people, especially segregated environments (Cadwallader et al., 2018; Plummer & Findley, 2012; Steele, 2017). The rapid growth of digital technologies has given rise to new forms of violence which calls for research into technology-facilitated violence against disabled women. This emerging literature shows that these new forms of violence disproportionately affect marginalized groups, and are shaped by the intersections of disability, gender, and geographic context. Recent studies argue for the necessity of context-specific strategies in the prevention and response to such violence (Hameed et al., 2025; Trafford et al., 2025). In sum, the research literature demonstrates that disabled women are subjected to multiple forms and manifestations of violence, some of which they share with non-disabled women and some of which are linked to disability status. Notably, many of these forms of violence are perpetrated by actors within the very services intended to support and protect them from harm.

3.2.2 Frequency of Violence

Although statistical findings vary depending on the population surveyed and the type of impairment in focus, research demonstrates that disabled women experience violence at higher rates and for longer durations than non-disabled women (Barrett et al., 2009; Bowen & Swift, 2019; Brownridge, 2006; Corcoran & Smith, 2016; Cotter, 2018; D'Costa, 2025; Dowse et al., 2016; Elliott Smith & Pick, 2015; Emerson & Llewellyn, 2023; Hughes et al., 2012; Krnjacki et al., 2016; Snæfríðar-Gunnarsdóttir et al., 2023). For example, a survey of 7027 Canadian women found that disabled women were 40% more likely than non-disabled women to have experienced violence in the past five years and were at particular risk of severe violence (Brownridge, 2006). In the United States, a study of 305 disabled women in North Carolina revealed that 68% had experienced violence in the past year (Curry et al., 2009). Another study found that disabled women were more likely to have experienced rape in the 12 months preceding the survey than non-disabled women and that an estimated 29% of women who had experienced sexual violence other than rape in that same timespan had been disabled (Basile et al., 2016). More recently, a study conducted by Emerson and Llewellyn (2023), drawing from Cross-sectional National Surveys in 29 Middle- and Low-Income Countries across the globe, found that disabled women were approximately twice as likely as non-disabled women to be exposed to violence and discrimination in the past year. Similar patterns have been observed in Iceland. For example, a survey among disabled women reported that 53% of disabled women reported experiencing physical, sexual or emotional violence which is significantly higher than the rates reported by non-disabled women (Snæfríðar-Gunnarsdóttir, 2017). Another recent Icelandic study, based on data from an Icelandic national health survey carried out by the Directorate of Health, found that disabled women were more likely to have experienced violence than non-disabled women (Snæfríðar-Gunnarsdóttir et al., 2023). These findings align with international research showing that disabled women are more likely than disabled men to experience sexual and emotional violence (Dammeyer & Chapman, 2018; Krnjacki et al., 2016).

Additional studies have revealed that disabled women not only experience violence more frequently but for longer durations than non-disabled women (Barrett et al., 2009; Yoshida et al., 2009). The prolonged and repeated nature of this violence has been linked to significant negative impacts on both mental and physical health (Haraltdsdóttir, 2017; Iudici et al., 2019; Macdonald, 2015; McClimens & Brewster, 2019; Olszowski & Boaden, 2010). All of these studies have stressed that disabled women are at a higher risk than other women of experiencing violence (Benedet & Grant, 2014; Breiding & Armour, 2015; Brownridge, 2006; COVID-19 Disability Rights Monitor, 2020; Dowse et al., 2013; Emerson & Llewellyn, 2023; Krnjacki et al., 2016; Manjoo, 2012; United Nations Population Fund, 2018).

While recognising the importance of statistics attesting to the high frequency and risk

of violence against disabled women, it is important to recognise the limitation of this data. Statistical claims are influenced by numerous factors, including the source of the data, incomplete data sets, different demographic factors, survey design and data collection methods. Emerson and Llewellyn (2023) identify several key limitations in their study. These include the limited nature of the data collected on violence (excluding sexual, financial, emotional and intimate partner violence), all of which underestimates exposure to violence. They also point out problematic issues with the use of the Washington Group Short Set of questions on disability (WGSS) to identify disabled women, noting that its use underestimates the prevalence of disability by its failure to identify women whose disability may be associated with functional impairments not included in the WGSS. Furthermore, the cross-sectional nature of the data prevents conclusions being drawn regarding causation. Snæfríðar-Gunnarsdóttir et al. (2023) also highlight several methodological concerns in Icelandic data collection. These include the lack of differentiation between different types of impairments, insufficient data to distinguish between people of Icelandic and foreign descent, and the exclusion of disabled people who need assistance or live in institutional and other residential settings due to issues of survey design. Other problematic aspects related to collection of statistics include the way in which disability is understood and defined in different ways in survey studies (Molden & Tøssebro, 2010), exclusion of many disabled people due to barriers in accessibility among other factors, which can skew the results of such surveys and limit the representativeness of findings (Dowse et al., 2016). Despite these limitations, which should be kept in mind when drawing conclusions from survey data sets, such large studies provide an important insight into prevalence of social phenomena like violence against disabled women.

3.2.3 Context of Violence

Research has consistently shown that violence against disabled women can occur across both private and public spheres throughout their lives (Hughes et al., 2012; Manjoo, 2012; McGowan & Elliott, 2019; Plummer & Findley, 2012; Yoshida et al., 2009). Studies have also highlighted that marginalisation and isolation exacerbate the vulnerability of disabled women to abuse and that the effects of violence may be magnified when women occupy multiple marginalised subject positions (Goodman et al., 2009; Meer & Combrinck, 2015). This, in turn, results in most disabled women internalising the oppression and experiencing feelings of powerlessness and self-blame (Childress, 2013; Matheson et al., 2015; Traustadóttir & Snæfríðar-Gunnarsdóttir, 2014; Walter-Brice et al., 2012). For example, the women in Haraldsdóttir's (2017) qualitative study described a wide range of oppressive experiences—ranging from direct and overt manifestations of violence to insidious and subtle forms—and reported a range of psycho-emotional consequences such as exhaustion, anxiety, fear, and trauma. These kinds of experiences have resulted in disabled women fearing public spaces, in particular being out and about after dark, going downtown for a night out, and even avoiding shopping malls unless they have someone with them for protection

(Bergsveinsdóttir, 2017; Macdonald, 2015; McGowan & Elliott, 2019; Olszowski & Boaden, 2010). Emerson and Llewellyn (2023) found that disabled women were approximately one-third more likely than other women to feel unsafe in either their home or local neighbourhood. Moreover, previous experiences of excessive control and interference in their lives by people in their close environment, such as family members and staff within the disability services, also contribute to disabled women fearing the negative reactions of reporting violence. This includes fears of being scolded or blamed for the violence experienced, or that the consequence would be overprotection by family members or service staff (Traustadóttir & Snæfríðar-Gunnarsdóttir, 2014).

While violence against disabled women can occur in any location, most manifestations of violence occur in the women's homes and partners and/or caregivers are most often reported to be the perpetrators (Brownridge, 2006; Cotter, 2018; Curry et al., 2009; Hassouneh-Phillips & McNeff, 2005; Heilporn et al., 2006; Hughes et al., 2012; Martin et al., 2006; Mays, 2006; Plummer & Findley, 2012; Yoshida et al., 2009). Hence, contexts created by segregated services and dependency on others for care increase the risk of violence and provide ideal circumstances for it to take place. Detecting violence in segregated settings is difficult and concealment of the violence is usually a consequence in these contexts.

Research has also directed attention to the significant barriers disabled women face in accessing victim support services. These include limited information about available services, accessibility issues, and being met with limited understanding, disbelief and disinterest when disabled women report violence (Robinson et al., 2021; Shah et al., 2016; Woodin & Shah, 2014). For example, a comprehensive study across Austria, England, Germany and Iceland, as part of an EU Daphne III Program (2013 – 2015) focused on violence against disabled women and access to victim support services. A main finding in all four countries was the need for further research into disabled women's access to justice (Woodin & Shah, 2014). This call for research has been echoed in other literature (Australian Human Rights Commission, 2018; Dowse et al., 2013) on the neglected topics of access to justice and the experiences of disabled women subjected to gender-based violence. This dissertation has sought to respond to such calls by critically examining the right of disabled women to live free from violence and their access to justice. The study also contributes to the growing Icelandic scholarship on the inequalities faced by disabled women.

3.3 Access to Justice

Even though it has been recognized globally as a fundamental human right, which supports the enjoyment of other human rights (Flynn & Lawson, 2013; Lima & Gomez, 2020), access to justice for disabled women who have been subjected to violence is an under researched topic. This dissertation places particular emphasis on access to

justice, addressing a critical gap in the literature. As outlined in the previous sections, most existing studies have focused on the forms, frequencies, experiences and impact of violence rather than on the mechanisms through which justice can be pursued. The majority of the research on access to justice has investigated the justice system in general, the physical accessibility of courts and justice buildings, litigation, and the participation of disabled people in different roles within the justice system including as witnesses or jury members (Free Legal Advice Centres, 2010; Kearney & Merrill, 2000; Mulcahy, 2007; Ortoleva, 2011; Ziv, 2007). In Iceland, a small number of studies have examined access to justice regarding cases of intellectually disabled parents and child protection services (Sigurjónsdóttir & Rice, 2023, 2025). However, research focusing on access to justice for disabled women who have been subjected to violence remains surprisingly sparse, both internationally and in Iceland. There is a paucity of literature on the experiences of such women in connection with the reporting, investigation and prosecution of violence.

Drawing attention to the under-reporting of violence by disabled people, Davis (2011) notes 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. Barriers to accessing justice encountered by disabled people tend to vary based on intersectional identities (such as class, gender, race/ethnicity, age, etc) and the types of impairments (Flynn & Lawson, 2013). These intersections are especially relevant for disabled women, who – as research has consistently shown – face both a heightened risk of experiencing violence and encounter significant challenges in accessing justice and protection (Benedet & Grant, 2014; Budu-Ainooson et al., 2020; Elder et al., 2024; McCulloch et al., 2021; McGowan & Elliott, 2019; Rugoho et al., 2022; Wulandari, 2018). One key barrier to reporting violence for disabled women is the lack of support and socialisation needed in order to recognize certain types of behaviour, especially emotional or verbal abuse, as harmful and therefore as worthy of reporting (Powers & Oswald, 2004). Additional barriers identified by the CRPD Committee (2016) include dismissive attitudes, harmful stereotypes, discrimination, failure to provide procedural and reasonable accommodations, and problematic reporting procedures which discourage the pursuit of legal redress (Committee on the Rights of Persons with Disabilities, 2016, para. 52). Gender issues (i.e. dealing with male police), physical and communication barriers, and intimidation by perpetrators and law enforcement have also been shown to deter disabled women from reporting violence (Dowse et al., 2016; Hester & Lilley, 2018; McCulloch et al., 2021; Rugoho et al., 2022; Wulandari, 2018). In addition, a lack of credibility attributed to disabled women as witnesses by both police and members of their families discourages not only initial reporting but also follow-up engagement with the justice system (Rugoho et al., 2022). These and other barriers, however, continue even if women do report the violence.

Groce and Trasi (2004) argue that even if the violence is reported, people working in

the justice system (such as police, lawyers, prosecutors and judges) often lack the necessary knowledge and training to appropriately support disabled people, which reduces their capacity to manage the process effectively. Research also suggests responses from the justice system have the potential to re-victimise. Disabled women may encounter dismissive attitudes, minimisation of their experiences, or interactions which make disabled women feel worthless and powerless (Walter-Brice et al., 2012). Furthermore, police inaction can place disabled women at greater risks of ongoing violence (McGowan & Elliott, 2019). Even if the women's concerns are taken seriously, the services (including justice, victim and disability services) provided are not always appropriate to their needs or fail to deliver meaningful justice (Douglas & Harpur, 2016; McCulloch et al., 2021; Walter-Brice et al., 2012).

Recent studies continue to highlight the persistent barriers caused by the lack of training for justice system staff alongside calls for systematic change (Byrne et al., 2021; Gibbs et al., 2021; White et al., 2021). Positive descriptions of perceived procedural justice, however, are characterised by 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 (Ellem & Richards, 2018; Elliott et al., 2011; Gibbs et al., 2021). Such examples remain rare, reflecting the broader lack of understanding and preparedness within the justice system to respond appropriately to the needs of disabled women. This dissertation contributes to the much-needed bridging of this gap by bringing together an interdisciplinary human rights approach through combining disability studies, gender studies and disability law and policy, to achieve a more comprehensive and holistic understanding of disability rights and equality. Drawing on the rich literature across these fields of study, this research is further informed by the insights gained from the inclusion of qualitative data to provide the perspectives of disabled women, support professionals and justice workers in Iceland. It explores how the rights to live free from violence and access to justice, as articulated in the CRPD, have materialized—or not—in Iceland.

3.4 Disabled Women and the CRPD

The Convention on the Rights of Persons with Disabilities (CRPD) has been examined by scholars from multiple perspectives, each highlighting different rights, interpretations and applications. This dissertation draws on literature and analysis that contributes to furthering the understanding of the position taken by the Convention with regard to the right of disabled women to live free from violence (Article 16) and access to justice (Article 13). While the interrelations between these rights were discussed in the previous chapter, it is important to note here not just that the CRPD, as a comprehensive and broad-based human rights instrument, requires a reading that draws attention to the interrelations between its different articles, but also its relationship with broader human rights law (Flynn & Lawson, 2013).

An important contribution to the academic discourse on these rights articulated in the CRPD is provided by the CRPD Committee in General Comments No. 2 on Accessibility (2014) and No. 3 on Women and Girls with Disabilities (2016). These General Comments provide a roadmap to achieving the goals set by the Convention. They also provide guidance to member States, like Iceland, on the interpretation and analysis of the rights as stated by the Convention and how these rights are connected to and rooted in the larger context of the international human rights framework. The General Comment No. 3 on Article 6 (Women and Girls with Disabilities) is of particular relevance to this dissertation. It provides insight into the scope and nature of the States' obligations to the Convention regarding disabled women. Among those who have contributed to a comprehensive analysis of each of these three articles and their interlinking drawn from these CRPD General Comments include Mykitiuk and Chadha (2018), Keeling (2018), and Flynn (2018). Their work underscores the value of the General Comments as a framework for the effective implementation of the rights stated by the Convention regarding the multiple discrimination faced by disabled women, their right to live free from violence and right to access to justice. While Iceland is often recognised for its rapid advancement toward gender equality in key areas, such as female economic opportunity, educational attainment, health, and political representation, it neglects critical issues such as safety and access to justice. Questions have been raised as to whether these advancements extend to all women equally (Jóelsdóttir & Wyeth, 2020; Wyeth, 2021). Therefore, it is of importance to explore if, and how, these advancements in gender equality, and the rights enshrined in the CRPD, have been realised for disabled women in Iceland.

3.5 Summary and Conclusion

This chapter has provided an overview of the key literature that has shaped and informed this dissertation. It draws attention to the need for an intersectional approach when researching violence against disabled women. This chapter has highlighted how such violence is deeply embedded in and shaped by their lived experiences, from the complex manifestations of violence to the barriers disabled women face regarding access to justice. Furthermore, this chapter draws attention to the gap in literature regarding access to justice for disabled women subjected to gender-based violence. It emphasizes the importance of bridging such gap through new and holistic research to gain a comprehensive understanding of how to achieve recognition of disabled women's full human rights and ensure their materialization in practice.

The following chapter outlines the methodology and methods employed in the study upon which this dissertation is based.

4 The Study

This chapter outlines the overall design of the study, providing an overview of the research methodology and methods along with the study's purpose. The chapter also details the participant selection process, the data collection and analysis. It concludes by discussing ethical considerations as well as the strengths and limitations of the research.

4.1 Research Purpose

The purpose of this dissertation is to create important and much needed new knowledge about the experiences of disabled women who have been subjected to gender-based violence, as well as the experiences of those who supported them throughout the process of detection, reporting, investigation, and prosecution. To achieve this, qualitative research was conducted, consisting of 36 in-depth interviews with the three key stakeholder groups identified as being critical to the process: (1) disabled women, (2) individuals working within the justice system and professionals in support centres for survivors of violence, and (3) experts in the field of disability, violence and justice. In addition to the interviews, document analysis and field observations were conducted to compliment the findings. The overall aim of this study was to conduct a holistic inquiry that legitimizes and foregrounds, through research, the lived experiences of disabled women in reporting violence and seeking justice. This aligns with the CRPD as a human rights instrument, and the theoretical underpinnings of this dissertation. The interdisciplinary human rights approach to disability, outlined in the theoretical chapter, emphasizes the need to empower marginalized groups such as disabled women and to recognize the importance of highlighting their perspectives with a view to effecting necessary changes to society. Ultimately the study seeks to advance social justice through amplifying the voices of disabled women within the justice processes, and chart pathways for effective advocacy for change.

Three main research questions guided the research:

- 1) How do disabled women in Iceland describe their experiences of gender-based violence, including its manifestations, forms and contexts?
- 2) How do disabled women experience the justice system, and what barriers do they encounter when reporting or pursuing the prosecution of violence? What factors facilitate their access to justice?

- 3) What measures should the Icelandic authorities undertake to ensure access to justice for disabled women in accordance with the obligations set out in the UN Convention on the Rights of Persons with Disabilities?

4.2 Qualitative Approach

In view of the subject matter of the dissertation, qualitative research methodology was employed. As an approach, qualitative methodology recognizes and gives value to the meaning people attach to concepts and experiences in their everyday lives (Taylor et al., 2016). By valuing participants' own words and actions, qualitative research is particularly well-suited to studies that seek to ensure the inclusion and recognition of the voices of marginalized groups in society (Taylor & Bogdan, 1998). As Taylor et al. (2016) point out, the inductive nature of qualitative methods places significant importance on the theoretical framework, which guides the study's design and informs the researcher's interpretation of the data. Hence, the interdisciplinary human rights approach and the CRPD allow for a critical exploration of the diverse interpretations of relevant rights from the perspectives of different stakeholders. The human rights approach recognizes the importance of "embedding lived experience in rights-based claims and in the development of social justice theories" (Degener, 2016, p. 6). Qualitative methodology also aligns with the long-established approach within disability studies to draw on the perspectives and experiences of disabled people, including disabled women, as the foundations for research (Brennan, 2017). To this end, this research employed qualitative methods to gain an in-depth insight into the lived experiences of disabled women and of those supporting them through detection, reporting and prosecution of gender-based violence. Three qualitative methods were used to gather the data: semi-structured interviews, document analysis, and field observations. Grounded theory approach was also chosen for this research to guide the data collection and analysis (Creswell, 2007). As noted by Charmaz (2014), grounded theory reflects the premise that theory can be developed from rigorous analysis of empirical data and "can supply analytic tools to move social justice studies beyond description, while keeping them anchored in their respective empirical worlds" (Charmaz, 2014, p. 326).

4.3 Participants and Recruitment

To obtain a holistic picture of violence against disabled women and the process of accessing justice, interviews were conducted with a range of relevant stakeholders. The participants can be identified as falling into three categories: (1) 16 self-identified disabled women who had been subjected to violence, (2) 14 professionals working within the justice system (in connection with reporting and prosecution) and/or in support centres focusing on women who have experienced violence, and (3) six experts in the field of disability, violence and the justice system. Participants were identified through formal and informal 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).

Following the ethical review by the University of Iceland’s Scientific Ethics Committee in April 2020, I began planning the recruitment process. However, due to the COVID-19 related social restrictions data collection had to be postponed with the intention to commence in August 2020. As most of the relevant local conferences and DPO events were cancelled, it became difficult to establish connections and recruit participants. Despite these challenges, I remained determined and started spreading the word about my research through social media platforms to potential research participants as well as key individuals in the disability field and disability rights-networks. My affiliation with the University of Iceland, its Centre for Disability Studies, and in particular the strong reputation of my supervisor in this field were very helpful to establish contacts, especially as I had only recently moved to Iceland. I also asked friends and colleagues to share my call for participants on their social media accounts and DPO newsletters. Each post included information on the research in different languages and my contact details. Due to the sensitive nature of the topic, potential participants were asked to contact me directly by private message on Facebook, phone or email. Even though reaching members of the disability community was still possible in Iceland, this was a slow process. Nonetheless, this proved to be effective as a few women responded to my call for participation with some asking questions while others confirmed their willingness to take part. In responding to them, I provided a detailed explanation of the research and its aims, along with consent and information sheets in Icelandic and English. I asked whether they would be interested in participating and offered to answer any further questions they might have. As recruitment progressed, with the aim of having a diverse group of participants, a snowball sampling method was also used as participants were asked to identify other possible participants.

The criteria for the disabled women who participated in the research were that they had to be adults over the age of 18, identify as disabled women and had experienced violence of some kind. This included women who had managed to navigate the justice system up to the courts, as well as those who either chose not to pursue legal action or were unable to do so. Attention was also paid to ensuring diversity and inclusivity by involving disabled women with intersecting identities, including those related to sexuality, class, ethnicity, and other identity factors. In total, 16 interviews were conducted with disabled women representing a wide range of impairments, ages, gender identities, ethnic backgrounds, educational levels, and socio-economic status. The women ranged in age between 18 and 68 years old. Among the participants four women had intellectual disabilities, four had physical impairments, and four were visually impaired. One was autistic, and one had a chronic illness. Two participants had multiple impairments. The participants were based in the larger Reykjavik metropolitan area as well as other regions of Iceland. The circumstances of the participants also

varied; four women were married or lived with a partner, three women were widows or divorced, and five had children. Five participants were university students, eight were working or in supported employment (two working and studying at the same time), three had recently stopped working, and four did not work. Three participants identified as non-binary. All of the women were white, and most of them were born and raised in Iceland apart from two who were of foreign origin: one from a European and one from a non-European country.

Participants in the second and third groups were also recruited through personal and informal networks, support organisations and snowball sampling. Once contact was established, I emailed the potential participant directly and explained the research and its aims. In total, 14 participants were recruited for the second group. These were professionals supporting disabled women who have been subjected to violence, including five Rights Protection Officers (RPOs) and two staff members of violence support centres. Justice workers included two police detectives, three victim's lawyers, one prosecutor, two judges, and two specialist judges (who serve as co-judges due to particular expertise) appointed to the court: a psychologist and a psychiatrist. Some of the participants held roles that had spanned multiple professional domains relevant to the research. The recruitment process prioritized participants with extensive experience in their area of expertise. They were identified with the assistance of my supervisor and later through snowball sampling with the assistance of the first participants. This proved to be a very helpful method to recruit some of the justice workers.

The third group of participants involved six experts in the fields of disability, violence and the Icelandic justice system. This group included disability advisors, a professional monitoring disability services, justice system consultants, a researcher specialising in the field of gender-based violence, as well as government employees and administrators of a violence prevention program. Gender balance was not a primary consideration regarding the latter two groups of participants. Most of the professionals and justice workers interviewed were women, with only four male participants.

After recruitment, initial emails and informal conversations included a description of the study and an explanation of what participation would involve. The participants were also encouraged to ask any questions they might have. All participants received an information sheet along with a consent form, both available in Icelandic and English, and in an easy-to-read format. The information sheet detailed the aims and objectives of the study, the voluntary nature of participation, procedures for ensuring anonymity and confidentiality, the right to withdraw from the study, and details regarding data storage and use of information. The information sheets and consent forms are available in Appendices A and B in both Icelandic and English.

4.4 Data Collection

The primary method of data collection was semi-structured interviews, supplemented by document analysis and field observations. Data were collected between August 2020 and October 2022. The delay and gaps in data collection were largely due to the restrictions imposed by the COVID-19 pandemic compounded by the sensitive nature of the research topic.

4.4.1 Interviews

Interviewing has been described as a 'professional conversation' (Kvale, 2007), well-suited to generating rich and detailed accounts by inviting participants to share their experiences and perspectives in their own words (Rubin & Rubin, 1995; Braun & Clarke, 2013). In this study, interviews were conducted in several stages as the research progressed, both in response to the evolving COVID-19 circumstances and in accordance with the ongoing data analysis method characteristic of the grounded theory approach (Charmaz, 2014; Padgett, 2017). A total of 36 semi-structured interviews were conducted with 38 participants.

Sixteen interviews were conducted with disabled women. Most of the interviews were one-to-one, with the exception of one interview conducted together with a participant and her mother. All interviews were conducted in English which was generally not a problem for participants except in two interviews where an interpreter was needed. Due to the sensitive nature of the topic, privacy issues and the potential of a perpetrator living with the disabled woman, face-to-face interviews were considered the most suitable method for data collection with this group. Accordingly, all interviews were conducted in person, with participants selecting the time and location. Nine interviews took place at the participant's home and seven were held at an office at the University of Iceland. The office at the university was offered as an option to mitigate the COVID-19 social distancing measures and accommodate accessibility needs. Given the focus of this research, I found it of great importance to be aware of the sensitivity of the topic and approached the interviews in a manner that would assist the women in feeling as safe as possible in sharing their stories.

Prior to commencing the data collection, I was concerned that the interviews with the disabled women could bring forth difficult emotions and trigger distressing memories for the women. To address this, it was decided that all of the women would be offered a free consultation with a psychologist or a therapist of their choice. Although none of the women chose to accept this, they appreciated the offer. At the beginning of each interview, I explained that they had every right to stop, pause, take a break, skip questions, or withdraw from participation at any point without providing a reason, and without incurring any negative consequences. After each interview, I invited participants to ask questions and encouraged them to contact me if they wished to add or remove any information, or if they wanted to further discuss the content of the

interview. In one case, I followed up with a participant a few days after the interview as she found the experience to be emotionally challenging and I worried about how she was feeling. She replied saying that the interview had 'stirred up' thoughts and emotions but was thankful for the opportunity to share her story.

Fifteen interviews were conducted with 14 justice system workers and professionals involved in services for disabled women who have been subjected to violence. One of the RPOs was interviewed twice. Participants selected the time and location of their interviews. Most chose to be interviewed at their place of work, except for three interviews which took place at an office at the University of Iceland. Four interviews were conducted online using Microsoft Teams due to COVID-19 restrictions.

The third group of participants consisted of six experts in the field of disability, violence and the justice system. Two administrators of a violence prevention program were interviewed together, resulting in a total of five interviews for this group. These interviews took place in-person at participant's office and one at the University. Two interviews were conducted online.

Two interview guides were developed, one for the disabled women (Appendix C) and another for the professionals and experts (Appendix D). The questions were open-ended and exploratory, designed to investigate experiences of violence and the reporting process (or lack thereof) among disabled women, as well as the experiences of those supporting them or working within relevant reporting and prosecutorial systems. The interviews also explored broader issues such as support services, access to justice and its structures, perceptions of the credibility of disabled women when reporting violence, provision of gender-appropriate, procedural, and reasonable accommodations, as well as legislation and public policy. Prompts, probes and follow-up questions were also used to elicit rich and detailed accounts relevant to the research. Each interview lasted approximately one to two hours, with comfort breaks as needed. All interviews were audio recorded with participants' consent, and transcribed verbatim.

4.4.2 Documents

Document analysis, a recognized component of qualitative research (Charmaz, 2014), was one of the methods used in this study. This involved a detailed examination of court documents, national laws and policies, and international human rights instruments (the CRPD in particular), which related directly to the focus of the dissertation. Additionally, I analysed published life stories by two disabled women, which included descriptions of experiences of violence. These texts were selected due to their relevance for the study and analysed as part of the data.

The court documents analysed included publicly available records of court cases involving disabled women. One of the participants also granted me access to detailed

private unpublished case files which provided valuable information beyond the basic case proceedings. National laws and policies relevant to the rights of disabled people and criminal procedures were selected and analysed. Some of the Icelandic legislation has an official English translation, but those that did not were translated into English by a research assistant with a law degree. This also applied to court documents and other written materials used in the analysis. Overall, these documents provided important insights and served to support and strengthen the analysis and findings provided by the interviews.

4.4.3 Field Observations

Field observation is one of the classic qualitative methods for collecting data (Johnson, 1975). It entails that researchers go into the field and observe behaviours and settings related to their research (Taylor et al., 2016). In this study field observations included attending court proceeding of four court cases involving violence against disabled women as well as visiting support centres that provide services to survivors of violence. In Iceland, court cases about violence against women and children, and other sensitive topics are usually closed to the public and the media. I gained access to the proceedings through the contacts I had established with judges I interviewed for this research. Through these connections, I learned about upcoming court cases involving sexual abuse against disabled women. I was informed that sometimes permission is granted to law students to attend closed hearings for training purposes. With that in mind, I contacted the presiding judge of the relevant cases, explained my position as a socio-legal PhD student and explained my research topic and requested permission to attend the hearings. After the judge consulted all the parties in the cases, I was granted permission, along with my research assistant, to attend the hearings. These observations were of immense value for my research, offering firsthand insight into the court proceedings of such cases. My assistant, who has a law degree, interpreted for me as the court proceedings were in Icelandic.

Support centres for victims and survivors of violence were initially contacted to request permission to visit to their premises. Two of the centres welcomed me, offering tours of their premises and providing information about the support services they provide. I also attended closed conferences organised by other support centres for victims and survivors of violence and collected information and brochures outlining available support services. Documents from court proceedings, notes from the support centre visits, and informational materials such as brochures were also analysed. These sources provided important insights and served as complimentary data enriching and supporting the analysis and findings provided by the interviews.

4.4.4 Data Collection and COVID-19

Ethical approval for my research was granted on April 7, 2020, a few weeks after Icelandic authorities declared national emergency due to the COVID-19 pandemic. As a

result, my original plans for data collection were disrupted. I faced numerous challenges due to COVID-19, specifically given the sensitive topic and privacy concerns. Discussing violence is difficult under normal circumstances, and even more so during a pandemic that disproportionately affected disabled people. Like the broader population, disabled women experienced isolation; however, those with underlying health conditions were categorized as a 'high risk group'. Being classified as 'high risk' caused additional stress and fears, intensified feelings of loneliness due to physical distancing measures and increased psychological distress. Consequently, I was forced to postpone data collection, hoping that in-person interviews might be possible at a later time. I decided to focus on recruitment through various online platforms and social media. I also explored the possibility of online data collection for sensitive research topics but found no helpful methodological resources or discussions of such studies. In collaboration with my supervisor, I decided that online interviews with disabled women would not be appropriate for this study.

In October 2020, the *COVID-19 Disability Rights Monitor (2020)* published a report highlighting the dramatic increase in gender-based violence against disabled women and girls including rape, sexual assault, and harassment during the pandemic. This prompted me to explore ways in which I could accommodate safe social distancing practices and conduct the interviews in person as originally planned. As the pandemic was being well managed in Iceland, it was possible for me to do so. Recognizing that some disabled women might be living in environments marked by harassment, violence or surveillance, my priority was to build trust and ensure that interviews were conducted in a comfortable, private, confidential and accessible space. After careful consideration, I selected optional interview locations that met both the required social distancing guidelines and the accessibility needs of participants. The location proposed to the participants for the interviews was an office at the University of Iceland. Although my research questions remained the same, I was aware of the different circumstances of participants, including privacy issues, health concerns and the implication of talking about a sensitive topic during an ongoing global crisis. Despite these efforts, I received a few refusals to in-person interviews from disabled women due to health concerns, in addition to a general lack of responses. As a result, I decided to shift my focus on recruiting and interviewing of professionals, justice workers and related experts from the second and third group of selected participants.

As remote work became the norm during the pandemic, the use of online platforms increased significantly. All professionals and experts selected as participants had their personal workspaces at home during this time. The fact that their work involves talking about violence, I assumed that the sensitivity of the topic did not affect them as much as the disabled women. The professionals, who did not want to conduct the interview in person due to the pandemic, could be reached through online platforms. While welcoming the opportunity to continue data collection through online platforms, I was concerned about the quality of data due to factors that could affect participants'

performance, including the stress from working at home through the pandemic, energy drain and loss of concentration.

Due to the disruptions caused by COVID-19, the sequence of data collection did not follow the original plan. I had intended to begin the data collection by interviewing disabled women. However, most of these interviews were conducted toward the end of the data collection period.

4.5 Data Analysis

A grounded theory approach was employed to guide both data collection and analysis (Charmaz, 2014; Padgett, 2017). This approach aims to generate theories, concepts and hypotheses from the data, rather than relying upon pre-existing theories (Creswell, 2007; Taylor et al., 2016). It emphasizes the importance of conducting data analysis concurrently with data collection (Bogdan & Biklen, 2007). Accordingly, the data were gathered while being simultaneously coded and analysed, with analytical memos developed throughout the process. The goal was to identify emerging central themes that could inform subsequent data collection and contribute to theory building while also paying attention to variations across participants and their unique situations (Charmaz, 2014; Padgett, 2017). COVID-19 restrictions called for pauses in data collection which inadvertently created extra time for the ongoing data analysis.

Interviews were recorded, transcribed and coded. To ensure accuracy, I reviewed each transcript by repeatedly listening to the original recordings and reading the transcripts multiple times. Being a screen-reader user meant that the data analysis was done electronically. I wrote observers' comments and analytic memos for each interview. Over time, recurring themes emerged through this process. A portable recording device and Microsoft Word Documents were also used to capture my thoughts, and which helped me to maintain a clear overview of the data. Since printed materials or other visual means were not accessible for me, I found this approach to be the best way to analyse the data, and to be creative and effective way to engage with the data. Coding, however, was difficult as most approaches to coding that I came across involved visual methods such as using colours. Left with no other choice, I had to come up with an innovative and accessible way of coding. I found this process to be time-consuming and anxiety-provoking. Ultimately, I created a method using keyboard symbols that could be interpreted by screen-reader software. Once I established an accessible coding method, I conducted close readings of the transcripts, organizing and sorting codes. This enabled me to reveal patterns in the data that helped develop a deeper understanding of the issues at hand (Creswell, 2009). All recorded material, transcripts of interviews and fieldnotes have been kept strictly confidential and are accessible only to me.

4.6 Ethical Considerations

My research addresses the very sensitive topic of violence against disabled women, who are regarded by the law as a vulnerable group. Thus, it falls under research that addresses ethically sensitive subjects. Three main ethical challenges were identified: obtaining informed consent, the sensitivity of the topic and emotional distress in recalling difficult events and memories, and the protection of the anonymity of the participants. Measures to overcome these challenges were identified and addressed in the application submitted for review to the University of Iceland's Scientific Ethics Committee.

From the outset of the study, the research protocol was designed to emphasize consent as a continuing process rather than a one-time event. In accordance with the ethical guidelines of the University of Iceland, all participants were fully informed about the purpose of the research and what their participation in the research involved. This information was provided verbally and in written format, with accommodations made to ensure accessibility. Where appropriate, this included in an easy-to-read format if needed to support participants with varying communication needs.

The primary ethical challenge in this study involved raising the sensitive topic of violence in interviews with the disabled women. Understandably, discussing such experiences could trigger difficult memories and cause emotional discomfort. To minimise the distress, the participants were informed that they could take breaks at any time, choose not to answer specific questions or end the interview altogether. In addition, all participants were offered a free follow-up session with a counsellor or a psychologist of their own choice, should they feel the need for emotional support following their interviews.

Iceland is a small society, and the disability community is even smaller. Thus, it was particularly important to protect the anonymity of participants from among all three groups (disabled women, professionals, and experts). To ensure the research remained both personal and respectful, pseudonyms were used for the disabled women in all published and presented findings. Other participants were referred to by their professional roles only. Every effort was made to omit any personally identifiable information and, in some cases, minor details unrelated to the research topic were altered to safeguard the participants' privacy, anonymity and confidentiality. All interview recordings and transcripts, as well as court documents, were stored in accordance with the data protection procedures of the University of Iceland and the data management policy and plan of the DARE project (based on European Code of Conduct for Research Integrity). Research data, recordings, transcripts and findings were stored electronically and encrypted for security reasons in a password-protected drive. Physical copies of transcripts, and original consent forms, were stored in a key-locked cabinet accessible only to me. Additionally, all contact information collected

during the course of the research was kept strictly confidential and was stored separately from the research data in a password-protected laptop drive.

4.7 Strengths and Limitations

The main strength of this study lies in its novelty and valuable insights it offers into violence against disabled women. It advances knowledge and understanding of the subject by providing an in-depth exploration of their lived experiences, particularly in the context of detection, reporting, investigation and prosecution of such violence. Employing an interdisciplinary approach, the study integrates qualitative interviews, field observations, legal and policy analyses, court documents and the analysis of international treaties. This comprehensive methodological approach contributes to a new and holistic understanding of the lived experiences of disabled women but also the challenges faced by those who support them through the justice system. By addressing a critically under-researched area, the study promotes gender equality and access to justice. It aims to empower disabled women to share their experiences and seek redress, raises awareness of the intersectional inequalities they face, and offers practical and legal knowledge and recommendations for preventing gender-based violence and improving access to justice for disabled women.

It is important to acknowledge that this research does not represent the experiences of disabled women who are non-verbal or those living in institutional settings. This limitation is primarily due to constraints such as the limited timeframe, restrictions posed by Covid-19 pandemic, accessibility challenges faced by me as a disabled researcher, and institutional barriers that restricted access to women living in institutional settings. Despite these challenges, I still managed to interview a diverse group of women across the country, as well as a varied group of professionals who support women to access justice, which is also a notable strength of the research. Iceland's small population and geographical size facilitated access to participants and enabled the project to attain a comprehensive overview of the field of research.

From the outset, I have hoped that this research would raise awareness about violence against disabled women and their access to justice. However, in aiming to reach a broad audience in Iceland, including disabled women, it is a limitation that the dissertation is written in academic English, which may be difficult to read for some disabled Icelandic women with varying degrees of knowledge of the language. It bothers me that some of the participants who generously shared their time with me may not be able to read the thesis without assistance. Acknowledging such exclusion and aiming to mitigate it, a summary of the thesis will be published in Icelandic in various DPO newsletters and will also be individually emailed to the women who shared their voices in this research. As a non-Icelandic speaker and a disabled woman myself, I acknowledge the privilege of having access to university education and take it as my responsibility to present and publish research findings in accessible ways. My goal is

for disabled women to gain information and knowledge from this work and to build upon it further in their own understandings regarding violence and access to justice. Although the findings are specific to Iceland, I hope they nevertheless offer valuable and timely information that can inform similar efforts in other countries.

4.8 Summary and Conclusion

In this chapter, I have outlined the qualitative approach and methods used in this study which were chosen as the most suitable for gaining a holistic understanding of disabled women's experiences of gender-based violence and access to justice. I have also introduced the participants and described the process of data collection and analysis. The chapter concluded by discussing ethical considerations as well as the strength and limitations of the study. With this established, I now turn to the findings.

5 Collection of Articles

5.1 Introduction

This chapter presents the findings of the dissertation through three peer-reviewed articles, each offering a specific and focused perspective on how disabled women in Iceland have experienced their rights to live free from violence and access justice, as articulated in Articles 16, 13 and 6 of the CRPD. Collectively, these articles contribute to a broader and more comprehensive understanding of access to justice for disabled women subjected to gender-based violence. The interconnectedness of the articles is underscored by their shared use of the interdisciplinary human rights approach to guide the analysis of the data. This approach allows for a critical examination of the interpretations of rights from the perspectives of different stakeholders and recognizes the importance of grounded theory in capturing the empirical realities of disability, particularly through the lived experiences of the participants. Thus, the three articles draw on interviews, document analysis and field observations, all of which highlight the perspectives of disabled women, professionals supporting them as well as justice workers in Iceland.

The first of the three articles presented in this chapter, entitled *'Nobody will Believe Me': Lack of Reporting Violence by Disabled Women*, was published online in October 2025 in the journal *Violence Against Women*. The article draws on interviews with disabled women about their experiences of gender-based violence and access to justice. It documents their lived experiences and focuses specifically on the low rates of reporting the violence. Through an analysis grounded in their words and experiences, the article examines the underlying reasons which account for this lack of reporting. In addition, it also offers a discussion of the meaning of justice in relation to these barriers and suggestions on how to remove them. The article highlights the importance of recognizing that living free from violence and accessing justice are human rights, and as such varied paths to justice for disabled women must be respected, institutionalised and supported.

The second article, entitled *'We Got Lucky with the Judge': Access to Justice for Disabled Women in Iceland*, presents an empirical qualitative study of one Icelandic court case involving sexual violence. Published in *Laws* in February 2023, the article traces how a particular case unfolded from the initial detection and reporting, through the investigation and prosecution, to the final verdict. An analysis of this court case provides a critical insight into access to justice issues for disabled women who have been subjected to gender-based violence. The analysis draws on in-depth interviews with the disabled woman who was the victim, her spokesperson and the various professionals

involved in the legal process. Both published and unpublished documentation concerning the case were also analysed. While this court case is highlighted as a relatively positive example of justice being accessed, the article reflects on the specific factors that contributed to and facilitated this outcome, as well as the barriers, actual or potential. These insights are considered in light of Iceland's obligations under the CRPD.

The third article presenting the findings of this dissertation, entitled '*They Guarantee Understanding Both Ways': Rights Protection Officers as Facilitators of Access to Justice for Disabled Women*', was published in *Scandinavian Journal of Disability Research* (SJDR) in September 2024 as a part of SJDR's special issue on Disability Human Rights. Building and expanding on the second article where the role of the Rights Protection Officers (RPOs) emerged as a particularly important procedural accommodation which was crucial in the success of the court case, the third article examines in detail RPOs role in enabling effective access to justice for disabled women. Grounded in the clear obligation stated in Article 13.1 of the CRPD, which mandates the provision of procedural accommodation in all stages of legal proceedings, the article provides an understanding of the ways in which the RPO system functions in supporting and guiding disabled women in effectively actualizing this right. The article draws on the perspective of RPOs, other justice workers and disabled women as well as an analysis of human rights law and Icelandic legislation.

5.2 The Articles

- I. Gjecaj, E., Traustadóttir, R., & Rice, J. G. (2025). 'Nobody will believe me': Lack of reporting violence by disabled women. *Violence Against Women*. <https://doi.org/10.1177/10778012251384622>
- II. Gjecaj, E., Lawson, A., Traustadóttir, R., & Rice, J. G. (2023). 'We got lucky with the judge': Access to justice for disabled women in Iceland. *Laws*, 12(2), 21. <https://doi.org/10.3390/laws12020021>
- III. Gjecaj, E., Traustadóttir, R., Rice, J. G., & Bjargardóttir, H. B. (2024). 'They guarantee understanding both ways': Rights protection officers as facilitators of access to justice for disabled women. *Scandinavian Journal of Disability Research*, 26(1), 464–476. <https://doi.org/10.16993/sjdr.1051>

Article I

“Nobody Will Believe Me”: Lack of Reporting Violence by Disabled Women

Violence Against Women

1–20

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Abstract

A growing body of research shows the high risk, frequency, forms, and impact of violence against disabled women throughout their lives. Limited research exists regarding access to justice for disabled women, in particular with reporting and prosecution. Using an interdisciplinary human rights approach, the paper draws on interviews with disabled women about their experiences of gender-based violence and access to justice. Findings describe and discuss their lived experiences of violence, highlighting the lack of reporting the violence and the multiple and complex barriers to doing so. The article concludes with recommendations that may help to overcome these barriers.

Keywords

disabled women, violence, lack of reporting, access to justice, Iceland

Introduction

International research demonstrates that disabled women are at a higher risk of experiencing violence than other women. They also experience violence for longer periods of time, and a wider range of forms, than non-disabled women (Barrett et al., 2009;

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Emerson & Llewellyn, 2023; Hughes et al., 2012; Krnjacki et al., 2016; Manjoo, 2012; McConnell & Phelan, 2022; Snæfríðar-Gunnarsdóttir et al., 2023). Most of the acts of violence against disabled women occur at home, and partners and/or caregivers are most likely to be the perpetrators (Cotter, 2018; Hughes et al., 2012; Plummer & Findley, 2012). Research also indicates that marginalization and isolation exacerbate the vulnerability of disabled women to abuse and that the effects of violence may be magnified when women occupy multiple marginalized subject positions (Björnsdóttir et al., 2017; Goodman et al., 2009; Meer & Combrinck, 2015), resulting in most women internalizing the oppression and experiencing feelings of powerlessness and self-blame (Matheson et al., 2015; Traustadóttir & Snæfríðar-Gunnarsdóttir, 2014; Walter-Brice et al., 2012). Limited research has focused on access to justice for disabled women who have been subjected to gender-based violence, in particular with regard to reporting and prosecution, both internationally and in Iceland, where the research presented in this paper was conducted. This interdisciplinary research employs a human rights approach in combining disability studies, gender studies, and disability law and policy, together with qualitative methods, to gain a comprehensive view of this topic. This study seeks to advance the understanding of violence against disabled women through documenting their lived experiences and analyzing the barriers they encountered in reporting the violence.

Reporting in this study refers to any act of reporting the violence to the police or other agencies (including victim and/or disability support services). Drawing attention to the under-reporting of violence by disabled people, Davis (2011) states that while there are disproportionately high rates of violence against disabled people, the rates at which such violence is reported to the police are disproportionately low. Flynn and Lawson (2013) observe that barriers to accessing justice encountered by disabled people tend to vary based on intersectional identities and the types of impairments. The available data show that disabled women face significant challenges in accessing justice and protection (Benedet & Grant, 2014; Budu-Ainooson et al., 2020; McCulloch et al., 2021; McGowan & Elliott, 2019; Rugoho et al., 2022; Wulandari, 2018). One particular barrier relevant to disabled women is the lack of the support and socialization needed in order to recognize certain types of behavior (especially emotional or verbal) as abusive and therefore as a wrong worthy of reporting (Powers & Oswald, 2004). Gender issues (e.g., dealing with male police) and physical and communication barriers have also been shown as effecting whether disabled women report violence or not (Dowse et al., 2016; Hester & Lilley, 2018; McCulloch et al., 2021; Rugoho et al., 2022). Other barriers which discourage the pursuit of legal redress include dismissive attitudes, harmful stereotypes, discrimination, problematic reporting procedures (CRPD Committee, 2016, p. 52; Rugoho et al., 2022; Wulandari, 2018), and intimidation by criminals and law enforcement (Wulandari, 2018). However, even when women disclose violence, research suggest that responses have the potential to be re-victimizing through words and actions, such as reactions that are dismissive or minimize their experiences, making disabled women feel worthless and powerless (Walter-Brice et al., 2012). The perception of disabled women as lacking credibility

—by both law enforcement and family members—significantly diminishes their likelihood of reporting gender-based violence or engaging in follow-up processes (Rugoho et al., 2022). Even if the women’s concerns are taken seriously, the services provided are not always appropriate to their needs and can fail to deliver the desired justice (Douglas & Harpur, 2016; McCulloch et al., 2021; Walter-Brice et al., 2012).

This literature, however, focusses primarily on violence prevention, or general support in the context of violence, while containing passing references to barriers to justice faced by disabled women. This paper offers a unique contribution through its detailed analysis of the barriers to justice faced by the disabled women who participated in the study—barriers that ultimately prevented them from reporting the violence and thus from initiating the process of seeking justice. The paper begins by outlining the interdisciplinary human rights approach to the study. It continues with a description of the research methodology and participants. The findings describe and discuss the lived experience of violence of disabled women and provide an analysis of the barriers to reporting. The paper concludes by discussing the meaning of justice in relation to these barriers and suggestions on how to remove them.

Interdisciplinary Human Rights Approach

This research employs an interdisciplinary human rights approach in combining disability studies, gender studies and disability law and policy with the aim to gain a comprehensive and holistic view of access to justice for disabled women who have been subjected to gender-based violence. As noted by O’Mahony and Quinn (2017), the human rights approach is both driven and supported by the UN Convention on the Rights of Persons with Disabilities (CRPD, 2006), which signaled a “new era for people with disabilities” (Lawson, 2007, p. 619), recognizing disabled people and explicitly reiterating their standing as rights holders (Degener, 2016; Kanter, 2014). The Convention encapsulates a human rights perspective on disability and includes a clear articulation of the “different layers of identity” (Degener, 2016, p. 10), recognizing the aggravated forms of discrimination often faced by disabled persons on the basis of the combination of disability with other factors (Degener, 2017). Hence, it recognizes the multiple marginalization resulting from the intersection of disability and gender faced by disabled women, which is specifically outlined in Article 6 of the CRPD on Women and Girls with Disabilities.

Disability studies explores the lives of disabled people in social, cultural and political contexts and emphasizes the lived experiences of disabled individuals (Goodley, 2011) providing an important perspective for this research. Of particular importance is the relational approach focusing on how disability is created by societal barriers which contribute to social exclusion, powerlessness and marginalization of disabled individuals (Shakespeare, 2013). Gender studies have a long history of interdisciplinary research (Collins, 2009) addressing the multiple and intersecting forms of discrimination and power relations. This approach has informed the analysis of how gender, disability, and possibly other factors such as race, class and religion, expose disabled

women to multiple systems of oppression (Barrett et al., 2009). Being both disabled and a woman causes a power imbalanced social status in most cultures (Hague et al., 2011). Hence, the intersection of gender and disability equate to double jeopardy, leaving disabled women more disempowered and vulnerable to violence than non-disabled women (Goodley & Runswick-Cole, 2011; Humphrey, 2016; Shah et al., 2016).

Violence is a concept that takes many forms and has multiple definitions. However, the way in which violence is understood, named, and categorized is connected to the prevailing ableist systems and ideologies (Mueller et al., 2019). Thus, understandings of violence are socially constructed, reflect power relations (Hollomotz, 2013), and often fail to grasp the different manifestations of violence that disabled women experience (Snæfríðar-Gunnarsdóttir et al., 2023). Therefore, employing an intersectional approach brings about a more nuanced understanding and reveals the complex and intersecting nature of violence, and helps to understand the barriers faced by disabled women regarding detecting, reporting and pursuing legal action against such violence.

Methods

This paper is a part of the first author's doctoral research (Gjecaj et al., 2023, 2024), which explored the lived experience of disabled women as well as those supporting them through detection, reporting, investigation and prosecuting violence in Iceland. A qualitative research approach was employed to gather data on the lived experience of disabled women and those who assisted them in accessing the justice system (Taylor et al., 2016). Following the ethical review by the University of Iceland's Scientific Ethics Committee in April 2020, data collection started in August 2020 and ended in October 2022. Three qualitative methods have been used to gather data: 36 semi-structured interviews, document analysis (published life stories, court documents, national laws, policies, and international human rights treaties), and field observation (including court hearings and visits to victim support services). Grounded theory approach guided the data collection as well as a method for the ongoing data analysis alongside the data collection (Charmaz, 2014; Padgett, 2017).

This paper is informed by all of the data collected but the findings presented here are primarily based on 16 interviews with self-identified disabled women with a range of different impairments, ages, gender identities, ethnic backgrounds, education, and socio-economic status. Additionally, two life stories by disabled women were selected and analyzed as part of the study. Participants were identified through formal and informal networks and recruited using purposive sampling (Creswell, 2007) with an emphasis on creating a diverse group of participants to capture a broad range of experiences. A snowball methodology was also used as participants were asked to identify other possible participants. The women were between 18 and 68 years old. Their impairments were intellectual, psychological, physical and visual, autism and chronic illness. Two participants had multiple impairments. Participants lived in the capital area and the north region of Iceland. Four of the women were married or lived with a partner,

three women were widowed or divorced, and five had children. Half, or eight, of the women were working or studying but the other half did not work. Three participants identified as non-binary. Most of the women were from Iceland apart from two who were of foreign origin.

Interviews were conducted in-person 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' homes and an office at the university. All participants received an information sheet along with a consent form. Both were in Icelandic and English, and if requested in easy-to-read format. The information sheet detailed the aims and objectives of the study, voluntary participation, procedures for anonymity and confidentiality and the right to withdraw from the study, data storage and use of information. Consent forms were signed at the beginning of the interview or signed electronically and returned to the researcher by email. An interview guide developed by the research team (PhD committee) was used in the study. No definition of violence was provided but instead the women were invited to speak about what they had experienced and considered as violence. Questions were open-ended and exploratory in nature, investigating the experience of violence and of reporting it, or not, by the women. Given the sensitive nature of the topic, at the end of each interview all participants were offered consultation with a professional of their choice, free of charge, enabling them to work through potential difficult feelings or memories evoked by the interview. Each interview lasted approximately one to two hours, and were audio recorded with consent, and later transcribed verbatim. All names included in the findings are pseudonyms.

Findings

Experiences of Violence

The disabled women had experienced diverse types and forms of violence which differed according to age and over the life course. The timeframe of these experiences ranges from 1980 to the time of the interviews. Manifestations of violence varied from sexual, emotional, financial and physical violence to disability discrimination, microaggression, and prejudice. Several participants had experienced multiple types of violence throughout their life. Linda, for example, described violence as being "...a recurrent theme in my life. All kinds of violence". In short, the women experienced a great number of forms of violence at the hands of people from most walks of life and in a range of social contexts.

Looking back on their lives, many of the women recalled experiences of violence during childhood. The most common form of violence was bullying, sexual violence, and combined types of violence. The women who had experienced bullying in primary school described the negative effect bullying and teasing had on them and their self-esteem, leaving them feeling lonely, isolated and having no friends. Some of the women had experienced violence in their childhood homes, including sexual abuse

by family members. Another common manifestation of abuse was emotional violence and prejudice. In this regard the women talked of humiliation, prejudice, and overstepping of their boundaries as a common form of such violence. Perpetrators that subjected the women to violence in their childhood and teenage years included partners, friends, family members, school children, and teachers.

As young adults, the women commonly experienced intimate partner violence and various forms of sexual, emotional and physical violence. In these cases, the relationships had been characterized by an unequal power balance and control by the partner. The violence was also committed by former partners; for example, one of the women described the complicated relationship she had with her former boyfriend who, among other things, pressured her to do things she did not want to do including sexual acts with him or other men. One of the women was raped by her friend, and another was raped by two different strangers at separate times and a third time by a teacher at a continuing educational center.

As adults, in addition to partner violence, the women also described experiences of sexual violence perpetrated by staff of disability services, doctors, male colleagues, and male strangers. The scope of the violence included touching and fondling to sexual assaults, including rape. In all cases, the women highlighted the imbalance of power between them as disabled women and non-disabled perpetrators. Many participants also described excessive interference and forceful control of their lives by family members and staff within the disability services even though they were adults. Some participants, for example, described receiving inadequate support or experienced negative attitudes from staff. One of the women told of an abortion she had been forced to undergo by family members who also tried to coerce her to be sterilized. The interference and control by family members led to their relationships becoming estranged, negatively affecting the women's self-image and self-esteem, and left them in fear of further scolding, overprotection and control of their lives.

Furthermore, the women spoke about being subjected to disability prejudice and discrimination. Emotional violence was also highlighted as being profoundly related to prejudices against disabled people and intertwined with stereotypes and preconceptions regarding disabled women. Many of the participants had experienced this in a number of ways including people making fun of them, teasing, touching and staring at them. In some cases, the prejudice also led to other types of violence such as physical and sexual harassment. Hulda described how a fellow female student came over to her during a university trip and started feeling her arm, moving her hands, asking "What is wrong with you?" Overall, it can be observed that there is a relationship between the marginalization, powerlessness and subordinate status of disabled women and the violence to which they are subjected.

Barriers to Reporting Violence

The most striking finding of this research was the lack of reporting these forms of violence. Only three of the 18 women made such reports. As a result, an in-depth analysis

of the barriers to reporting became the major focus of our analysis revealing a range of complex and multilayered barriers discussed below. We have organized them into three broad categories: (1) personal (barriers from within); (2) interpersonal (barriers in relation to others); and (3) cultural and structural barriers. Each of these categories contain subthemes. Some of the categories and subthemes overlap as most of the women had multiple reasons for not reporting their perpetrators.

Personal Barriers. Many of the women described individual-level barriers to reporting. Subthemes included: unclear or partial understanding of violence; lack of preventative and timely knowledge about sexual violence; naming the assault; young age; and lack of knowledge on where to go for support or report. These subthemes overlap as discussed below.

Unclear or Partial Understanding of Violence. For many of the women the reason for not reporting was an unclear or partial understanding of what violence is. In particular, this became apparent in interviews with women who at the outset declared not having experienced violence. However, as the discussion progressed, they described experiences that were clearly acts of violence. Inga, for example, stated that she does not know what she would call violence and added that she has not experienced violence. However, as the interview continued, she described instances of experienced violence at a mental health institution. Jessie spoke about it being hard for them to recognize violence and that their misunderstanding of violence was due to their upbringing and their boundaries not being respected throughout their lives. Some of the women even stated that they had not experienced violence but rather “only prejudice”. Hulda declared that she has not experienced violence: “I have not been hit or anything, not that kind of violence”, but answered positively to having experienced prejudice: “No, no physical violence, but like I’ve had some fordómar (prejudice)”. Like the above women, Soley declared she had not experienced any type of violence or prejudice but rather what she described as violations of her rights: “I have not experienced it, except for in this way, like I have to try and get my rights you know, and maybe they violate my rights here and there you know, that’s the only thing that has happened to me”. When asked for examples, she described instances of disability-based discrimination and psychological pressure.

Lack of Preventative and Timely Knowledge on Sexual Violence. Many of the women who experienced sexual violence highlighted the lack of preventative and timely knowledge on sexual violence before and after they experienced it. Hanna, who was subjected to three rapes by strange men when she was a young adult, recalls her lack, at the time, of knowledge about rape and the lack of information regarding the dangers of going into stranger’s cars and the risks of sexual abuse associated with these behaviors: “I would have never have done this today but at the time you know I kind of didn’t know better”. Sara referred to the lack of sexual education when she was young and stressed its importance for disabled people as preventative knowledge: “I did not get any sex

education as a teenager. It is important to know what is right and what is wrong”. Some women did not report violence because at the time they did not conceptualize their experiences as criminalized sexual violence and did not know if their experience would fall under existing criminal law. For example, Linda spoke about her lack of knowledge on legislation covering rape and wondered if what she experienced would qualify as such under the law.

In addition to the individual lack of timely knowledge on sexual violence, the women referred to a community of silence and general misunderstanding of sexual relationships and violence. Linda repeated her lack of prior knowledge about rape and sexual violence. As a result, this prevented her from interpreting an assault as an act of violence, and thus, removed the possibility at the time of preventing further sexual abuse. She described one of the instances of how she was subjected to rape by her partner while she was asleep. He told her the next morning what he had done to her and even though she felt violated, she thought this was part of being kinky and in a relationship:

I was violated, deep inside I thought this, but I just thought this was a part of the kinky stuff. I thought: This is allowed when you're in a relationship. A boyfriend, he cannot rape you.

She recalls discussing these issues with her friends and they concluded “Your boyfriend does not rape you”. A similar lack of timely realization of wrongdoing was also mentioned by Regn, who stated that it took them a long time to realize, address and seek help with dealing with their experiences. For both of these participants, such lack of realization of wrongdoing led them to remain in their respective relationships, and thus, not report their partners. Another aspect of the lack of timely realization and naming the assault as an violence is the case of Lilja, who convinced herself that her friend did not rape her: “I wasn't really sure, I didn't tell myself that he had raped me”. She explained that this was due to lack of preventative and timely information and general knowledge on sexual abuse, including rape.

Lack of Knowledge on Where to Go for Support or Reporting. For many of the women the lack of information on where to seek support or report violence was also a reason for their inaction in reporting it to the police or Rights Protection Officers, whose role is to assist with the protection of, and enable access to, rights for disabled people. Hanna stated that one of her reasons for not reporting was her lack, at the time, of knowledge of what sexual violence entailed but also not knowing where to go to report it or seek help: “During that time there was no talk about this. I had no idea where to go”. Like Hanna, Runa emphasized her lack of information on how or where to report the sexual harassment she experienced by a male colleague. Even though she told what happened to a female colleague, she was still not informed that she could formally report:

I don't think this matter was taken seriously at all. I was not advised that a complaint could be filed. This has had a great impact on me, and I have lived with it for the rest of my life.

The analysis of the interview data revealed the apparent lack of knowledge regarding support services which, if present, could have connected the women to the reporting structures. Lilja stated that she had no knowledge about what supports existed at the time of the violence. Acknowledging the lack of information on supports, Regn appreciated the understanding and direction of where to go given by a counsellor: “I’m very grateful for that they directed me to Stígamót (centre for survivors of sexual violence) since I didn’t really know much about any of these organizations”. At the time of the interview, some of the women declared not knowing about the existing women’s support services or the Right Protection Officers. The participants who knew about such services most often learned about them through engagements with disabled people’s organizations. However, for other women who had no connection with disability organizations the knowledge on their part tended to be limited or non-existent. For some, their location outside of the capital region seemed to play a role. For example, as Ella explained: “I don’t have any information or any knowledge about this stuff here in the north”. Others heard of some organizations but did not know much about them. Laura only knew of the Red Cross. Jessie stated regarding Bjarkarhlíð (centre for survivors of violence): “I know that they exist yeah, but I don’t know 100% what they do”. Furthermore, as highlighted elsewhere (Gjecaj et al., 2024) many of the women knew little about the Rights Protection Officers and their role.

Interpersonal Barriers. Many of the women described interpersonal-level barriers to reporting. Subcategories include: the relationship to the perpetrator, position of power of the perpetrator, fear of not being believed and lack of trust of authorities, and fear of negative social reactions to disclosure.

Relationship With the Perpetrator. Many of the women explained that knowing the perpetrator in some way acted as a barrier to reporting. They defined reporting as difficult depending on who the perpetrators were and in general what they represented to them. Some of the women felt pressure not to report due to allegiances to the perpetrators. This was the case with Linda, who stated that it would have been hard to report her partner due to loving him and the length of their relationship:

He wasn’t all bad... and also what made this so difficult and what I think is also so often forgotten when we talk about violence and pressing charges, is that usually those who violate us, these are the ones that we love the most. I loved this man, even though he was a shit.

This was also the case for Lilja, who explained it would have been hard to report her friend, someone she knew “very well”. Many of the women also listed family members and friends as difficult to report, especially those very close to them

Some women did not report because of feelings of guilt for doing so and the need to protect the perpetrator. For instance, Regn described this guilt as having its origins in a range of factors: that it would not be helpful to them nor their perpetrator to report; a lack of trust of authorities as police might be too hard on the perpetrator; that some of

their perpetrators have disabilities such as autism, and with some being children at the time the violence occurred. Similar to Regn, Jessie spoke about guilt and feeling scared of their partner potentially being sent to jail, and worried about how things would be communicated to him by police and other authorities. Lilja explained that she did not report her friend because she did not want to ruin his life: “I know him too well. I don’t want to ruin his life by making it in his permanent record being reported for rape, charged with rape”. For Linda, the feeling of guilt was based on her partner having children and thus not wanting the burden of leaving children without a father:

No, I couldn’t. I tell everybody that asks me (about the violence) but going to the police and stuff like that, I didn’t do that. I could have and I thought about it. (Researcher: was there something that stopped you?) Yes, his boys, definitely that was a part of it, yes, he has children.

Fear of Not Being Believed. Perceiving oneself to be in a lower societal status due to age, gender and having a disability, compared to the perpetrator, was voiced as a barrier to reporting. The social influence or status of the perpetrator and consequently the fear of not being believed by justice authorities were cited as major reasons for not reporting. For example, Helga, who did not report the sexual harassment she was subjected to by a doctor, highlighted the power imbalance which led to her fear not being believed:

I didn’t tell anybody about it for at least 10 or 20 years. I thought ‘nobody will believe me’. I thought ‘I should charge him’, but I also thought, ‘I’m a young disabled woman’. I didn’t have much self-confidence at that time and he’s a respected doctor. Who will they believe? I was convinced that it was useless for me to do anything because nobody would believe me. The police or judge or whoever would rather believe what he said, than me.

Like Helga, other women also referred to the fear of not being believed by police as a barrier to reporting. Connecting being autistic with lack of trust of authorities, Regn stated that “I have a general distrust of law enforcement. I don’t think they would have our best interest in mind, especially autistic individuals... I wouldn’t be believed”. Laura highlighted language barriers as part of her fear of not being believed as well as her distrust of police, stating that everything is more difficult when you are not from Iceland and speak limited English, which adds more stress and contributes to a general lack of trust.

Fear of Negative Social Reactions to Disclosure. Some of the women discussed how the potential of receiving negative public reactions when disclosing their experiences precluded reporting. Potential negative reactions they anticipated included media portrayals, disbelief in their story, shame, embarrassment and fear of retaliation from the perpetrator. In particular, the women highlighted not wanting to report due to fear of negative and hateful social media reactions and other public consequences. For Linda, the fear of how the media would portray her was combined with what might

be made public during reporting and the overall justice process. She also feared what her partner would publish on social media. For example, exposing knowledge about “my body and persona ... or family” and people’s reactions and comments, especially on social media platforms. She considered not reporting as a “kind of protecting myself”. In her words:

I was afraid of what he (the partner) would say, that he would go out and tell something that I didn’t want to be public. So, I was also protecting myself. I know that these courageous women who go and press charges, they are often so harshly critiqued because of shit these guys tell about them, ‘she was like this’ and ‘she was like that’.

Hence, the desire to maintain privacy also kept her from disclosing and reporting.

Connected to the fear of negative media portrayals were potential implications for their public image. Both Linda and Lilja were concerned with their public image and wanted to avoid being primarily known as rape victims. Linda was sure that if she had reported, her life would not be the way it is now: “For me I just couldn’t do it. I know that if I would have done it, my life would not be where it is now. I know it would not. I just can’t be that hero”. Lilja, on the other hand, spoke about the stigma attached if she had reported and the media shadow of rape if she were to become a public figure in the future: “You, being public, your name and face” and “the stigma if you want to become someone in the future”.

Cultural and Structural Barriers. Cultural and structural barriers to reporting included societal norms, fears about the difficulty in securing a conviction, inaccessible and costly justice system, and the perception of police.

Societal Norms. Some women discussed how societal norms, such as community silence and sexual taboos, precluded reporting. As discussed under personal barriers, the women referred to the existence of a culture of silence about violence in the society and a general misunderstanding of sexual relationships and what constitutes violence within them. This study concerns disabled women’s experience of violence in the period between 1980 and 2022. Sadly, their stories reflect that lack of information, community silence and absence of identifying sexual violence, seemed to have prevailed for decades. Helga highlighted that when she was a young disabled woman and subjected to sexual harassment, no one talked about these things. Hanna confirmed this by stating the same: “During that time there was no talk about this”. Similarly, Lilja, a disabled woman in her 20s at time of interview, who was subjected to rape almost 40 years after Helga, also emphasized the lack of information and knowledge in society by stating that “It wasn’t talked about, rape and everything. You didn’t know what was wrong or right”. Many of the women also discussed other societal norms, such as expectations for women and the marginalization and stigmatization of disabled people, which lead to how disabled women are perceived in society and lack of credibility attached to them.

The participants also emphasized the nature of public discourse which tolerates fun made at the expense of disabled women and how matters regarding them are often portrayed in a demeaning manner. Linda stressed the social media effect and how women are “scolded” in comments sections. She emphasized that such public reactions to disabled women was part of her reason for not reporting. Having observed the negative comments when a case involving violence of a disabled woman becomes public, Lilja stated that if she was to report she would not want it to be noted that she is disabled. She highlighted the stigma attached to this identity and the othering of disabled people within the media and community. Participants also highlighted that given Iceland’s relatively small population and its closely interconnecting social networks, it is much more difficult to hold a person accountable for violence against disabled women if they were well-connected socially.

Inaccessible and Expensive Justice System. Some women expressed personal dissatisfaction and mistrust of the criminal justice system due to having watched how many perpetrators walk free. They also highlighted the cost of the justice system and lack of legislative protections as barriers. Expressing a sense of hopelessness, Lilja noted her reason for not reporting as the difficulties of going through the justice system: “Because I’m not positive that he will be charged, that it will go through because it’s so rare for cases to go to court and unlikely for me to win the case”. Sandra highlighted that the justice system is expensive. She pointed out that the fear of losing and having to pay a lot of money are among the reasons for not reporting violence. She added that financially there is no equal access to justice, especially for people in her positions.

Perception of Police. Another aspect that acts as a barrier to reporting regards immigrant women in particular and their perceptions of police in their country of origins which influenced whether they would report violence to police in Iceland. This was the case for both of the foreign participants. Jessie had reservations about contacting the police and thus did not report the domestic violence to police nor to the Right Protection Officers. Trying to explain their reluctance, they referred to their upbringing and portraits of police on TV:

Police, mostly police men were presented like the idiot who wants to put everyone in jail just to get his quota. So, actually that’s where I started having huge panic attacks even as a four-year-old when I saw policemen, or even people with similar hats like train officers. So, this is not a good basis... to go to the police when there is a problem.

In addition, Jessie described an incident at an airport in their country of origin where the police were rude, angry, and insisted on proof of their disability because they had gone to the disability assistance line. These experiences seemed to influence if they would contact the police even if it was in a different country, despite the fact that

they stated they were not scared of police in Iceland. Like Jessie, Laura was also hesitant if she would report given her experience with police in her country of origin:

I don't know, ... maybe I'm scared to go to the police because I'm scared of everything, also of police because I have a posttraumatic syndrome after (country of origin). I am scared here in taxi also because here taxi is like big black car, in (country of origin) are police cars.

In comparison to the two foreign women, Iva, an Icelandic woman who was studying abroad, stated that she would not have sought support or report violence there. She believes that because she is a foreigner she would be treated differently to natives.

Reporting the Violence

Following our analysis of the multiple and complex barriers to reporting, this section discusses the experiences of the three women who did report the violence they experienced. Their reasons for reporting varied and so did the outcomes of doing so. For example, Mary, a young woman, who was sexually assaulted by a staff member where she received services, first disclosed her experience to her mother. Her mother believed her without question and this support reduced Mary's fears that she would not be believed. This made it easier for her to tell her story to others and to report the assault to the police. Mary also received support from a Right Protection Officer, who facilitated access to justice by providing procedural accommodation and which made her feel "safer and comfortable" while giving her victim/witness statement to the police and in court. This support was undoubtedly significant in fostering Mary's positive experience of the justice system and confidence in winning the case. In fact, Mary is the only woman in this study whose case went to court and which resulted in a positive outcome. For a detailed description of Mary's court see Gjecaj et al. (2023).

The two other participants who reported, Sandra and Jessie, had been subjected to multiple forms of violence. Sandra reported digital hate speech to the police at different times in her life, which was perpetrated by male strangers and other members of society. In her words "I experienced online abuse quite a lot ... that went completely crazy ... and I started to get personal letters and phone calls with threatening stuff". This left her with no other choice but to call the police. When reporting, she appreciated the validation that she received from the police of her fear, which made her feel believed and relieved that she did not have to convince the police officer of the violence she had experienced. Understanding that there was nothing more she could do due to lack of legislation pertaining to online abuse at the time, she felt that the action taken by police was enough: "He said that he will have someone nearby the area over the weekend. So, I had the police cruising around for few days ... and I felt, that was enough for me at that time".

The third participant to report was Jessie. They were subjected to domestic violence by their male partner. They had reservations about contacting the police due to their perceptions of police in their country of origin. Instead, they opted to seek help

from a Rights Protection Officer who assisted them in addressing issues related to the violence, including assisting Jessie with finding a safe place to live.

Reporting and Justice

The women in the study had a range of different views and understandings of justice. For those who reported the violence, reporting was part of the process of seeking justice. For example, highlighting that justice is an individual matter, Sandra stated that “I think justice can look differently for each disabled woman, and I think it is a really personal thing”. She emphasized the importance of seeking justice by stating: “Justice is a source of healing; justice is important for the healing process”. Identifying the police action the first time she reported as a basic level of justice, she highlighted that “feeling assured” and to feel that somebody cares is important for the healing process. She also noted that sometimes getting the woman’s story heard is a form of justice as well. For Mary, justice was the fact that she was considered to be a credible witness and provided with procedural and reasonable accommodation throughout the process. The case ended up in court and was successful, the perpetrator was convicted, and she was awarded some remuneration. Jessie did not specifically refer to justice. However, while appreciating the support provided by the Rights Protection Officer, they stated that their reporting of the violence resulted in an outcome that they found just and helpful.

The women who did not report expressed a belief that reporting would not result in justice. Each of the women described their individual views on justice: what they would have liked to have happen and what they saw as justice. They included factors such as distancing from the perpetrators, admissibility and accountability, and non-discriminatory services as justice instead of reporting. Repeating their lack of trust in the police, Regn stated that reporting would not have been of any help and was concerned that it could instead have potentially put them at risk of further violence committed by their original perpetrators:

I just don’t think that it would actually help me to report it because I’ve already just distanced myself from the individuals at fault and I can’t really think of anything that reporting would actually improve. I think it would, in at least some cases, be actually detrimental to the actual abusers. I think they wouldn’t understand what’s happening or somehow get tipped off that it was me who was at fault and maybe sort of rekindle their rage which would just put me at risk again.

Regn believed that reporting would not bring them justice. On the contrary, they believed it would bring about negative and potentially dangerous consequences. Distancing themselves from the perpetrators to avoid further abuse was, in their view, the best outcome. Similar to Regn, Lilja also referred to reporting as not resulting in justice for her. After a few years, the friend who raped her texted to apologize without referring to what he was apologizing for. Even though it was a vague text, she felt relieved, and it enabled her to have some kind of closure. She repeated that his

admission was her justice: “Because it is enough for me just that he’s admitting what he did was wrong, ... yes, I don’t need the justice on paper, on records, that’s not what I need”. Referring to system’s violence, Kolbrún explained that to her, justice means not constantly having to apply and fight for services, and not be discriminated against because her disability is not visible.

For many of the women, instead of reporting their perpetrators, education, finding employment, receiving professional help, living free from violence and becoming an advocate served as forms of justice. Linda explained that justice was getting out of the abusive relationship: “Yes, that’s justice for me and I also wanted just to put this behind me, I wanted this to be finished. Never again”. For Helga justice came in the form of receiving professional assistance enabling her to become an advocate raising awareness about violence and telling other disabled women about her experiences.

Conclusion

This paper has highlighted the significant and multiple barriers to reporting violence encountered by the vast majority of the disabled women in the study. We have broadly categorized the barriers described by the women as *personal*, *interpersonal*, and *cultural and structural*. While the existing international literature discussed in the introduction does mention similar barriers as those identified in this study, they lack a comprehensive overview. Addressing this gap and aiming to provide an in-depth understanding, this paper has specifically focused on the barriers to reporting violence based on the voices and lived experiences of the disabled women who took part in this study. These barriers show that education and awareness raising regarding violence and access to justice are desperately needed. Our findings also highlight the lack of information and availability of a range of support services for disabled women that can assist them in identifying violence and abuse, facilitate their process through the justice system and make sure they receive professional support services to process the effects of being violated.

We recommend that provision of sexual education and awareness raising about violence among disabled people and the general public as a preventive and protecting measure. Efforts should be made to enable reporting through increased education and training within the justice system and strengthening of procedural and reasonable accommodation. We also call for the availability of qualified support for disabled victims and perpetrators, including in particular Rights Protection Officers. Addressing the fear of not being believed, listened to, or fear of being subjected to further victimization by the police is a necessary step to enable reporting of violence by disabled women. Making sure more cases be prosecuted and processed through the justice system would also be an important step to show dedication to addressing the disabled women’s concerns and signal to them, and the general public, that such violence is criminalized and not tolerated.


Overall, we contend that reporting is a consideration which varies from person to person. Support and accommodation must be ensured for those who wish to report


as well as making available various forms of support for those who do not wish to do so. Part of such accommodation is making sure that information about legal rights as well as new developments reach disabled women. Reporting is not always the sought after form of justice, nor sometimes even a part of it. Justice is an individual pursuit and can take on different shapes depending on what each person considers as justice. However, living free from violence and accessing justice is a human right, and as such these varied paths to justice for disabled women must be respected, institutionalized and supported.


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Article II

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



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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,

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 Offenses 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 Reykjavík 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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Article III



‘They Guarantee Understanding Both Ways’: Rights Protection Officers as Facilitators of Access to Justice for Disabled Women

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COLLECTION:
DISABILITY HUMAN
RIGHTS

RESEARCH



ABSTRACT

There is a distinct lack of research focused on access to justice for disabled women who have been subject to gender-based violence. Article 13 of the UNCRPD specifies that disabled people have the right to ‘effective access to justice’ on an equal basis with others. This includes the provision of procedural accommodations to facilitate disabled women’s participation in all legal proceedings. Using an interdisciplinary human rights approach together with qualitative methods, this paper focusses on the role of Rights Protection Officers (RPOs) as a procedural accommodation in enabling effective access to justice for disabled women when detecting, reporting and prosecuting gender-based violence. Findings describe RPOs as helpful in the overall proceedings but a lack of knowledge about them among justice workers and disabled women raises concerns. The paper argues that disability-rights-based training and awareness raising about the provision of RPOs as well as strengthening of their role is vital to enable effective access to justice for disabled women.

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Recognised globally as a fundamental human right, which supports the enjoyment of other human rights (Flynn & Lawson 2013; Lima & Gomez 2020), access to justice is defined as '[t]he ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards' (United Nations Development Programme 2005: 5). Hence, access to justice enables people to have their voices heard and to exercise their legal rights enshrined in national legislation and international human rights conventions. As critically important as this is, there is still little knowledge, understanding and research focussing on access to justice for disabled women in connection with the reporting, investigation and prosecution processes of gender-based violence. This is the case internationally as well as in Iceland, where the research reported here was conducted. This interdisciplinary research employs a human rights approach through combining disability studies, gender studies and disability law and policy, together with qualitative methods, to gain a comprehensive view of this topic. The emphasis on access to justice is of particular importance as very few studies have focused on this issue but, instead, examined the forms, frequencies and experiences of violence and access to support services (Barrett et al. 2009; Snæfríðar-Gunnarsdóttir et al. 2023; Traustadóttir & Snæfríðar-Gunnarsdóttir 2014; Woodin & Shah 2014). As noted by Flynn and Lawson (2013), barriers to justice encountered by disabled people tend to vary based on intersectional positions (such as class, gender, race/ethnicity, age, etc.) and types of impairments. Research shows that disabled women are at high risk of experiencing violence and encounter significant challenges in accessing justice and protection (McCulloch et al. 2021; McGowan & Elliott 2019; Wulandari 2018). Among frequent obstacles to accessing justice faced by disabled women are the failures to provide procedural and reasonable accommodations, problematic reporting procedures and intimidation by perpetrators and law enforcers (Committee on the Rights of People with Disabilities 2016, para 52; Wulandari 2018). Furthermore, as argued by McGowan and Elliott (2019), police inaction can place disabled women at greater risk of ongoing violence. Indeed, the accessibility and efficiency of justice services directly affect the way gender-based violence against disabled women is addressed, such as whether violence is reported, and how far cases proceed. Thus, understanding effective access to justice requires a focus not just on the outcome but also on the process and its accessibility and flexibility in adjusting to the needs of disabled women. This paper aims to deepen understanding and expand knowledge of the issues faced by disabled women by analysing the support and assistance provided by Rights Protection Officers (hereafter RPOs) (Is. *Réttindagæslumaður*) throughout the journey of accessing the justice system in Iceland.

As part of enabling access to justice, Article 13 of the Convention on the Rights of Persons with Disability (CRPD) (2006), which Iceland ratified in 2016, requires that states ensure effective access to justice for disabled people on an equal basis with others through the provision of procedural and age-appropriate accommodations in all stages of legal proceedings. Flynn (2013) identified independent statutory advocacy schemes as an example of a type of procedural accommodation that States might adopt in the implementation of Article 13 of the CRPD. Reinforcing Flynn's argument about the benefits and importance of such schemes, we identify the provision of RPOs as an example of these schemes, and a particularly important procedural accommodation for disabled women attempting to access justice in Iceland.

The RPOs are state-appointed public officials who work in the Right's Protection Agency of the Ministry of Social Affairs and Labour and assist with the protection of rights of disabled people. Their provision forms part of the Act on the Protection of the Rights of Disabled Persons (PRDP) no 88/2011. Thus, as argued elsewhere (Gjecaj et al. 2023), this provision is a distinctive Icelandic innovation, due to it being statutory based, broader in scope and open to assist any disabled person. There are similar provisions in other countries but they seem to operate on a volunteer or non-statutory basis, or support only people with certain impairments (Flynn 2015). However, relatively little has been written about such schemes. Some research studies have written about RPO's role in cases of intellectually disabled parents and child protection services (Stefánsdóttir, Sigurjónsdóttir, & Rice 2022; Sigurjónsdóttir & Rice 2023). In the findings of our recent publication (Gjecaj et al. 2023), where we analysed the process of a successful court case involving sexual violence against a disabled woman, the role of the RPO emerged as a particularly important procedural accommodation which was crucial in the success of the case. Building and expanding on this, we decided it was important to understand the ways in

which the RPO system functions in supporting and guiding disabled women in accessing justice. Based on qualitative interview data with RPOs, other justice workers and disabled women, as well as an analysis of human rights law and Icelandic legislation, this paper provides a detailed examination of the role of RPOs in supporting and protecting the rights of disabled women when reporting and prosecuting violence.

The paper begins by outlining the human rights approach to disability, continues with a description of the research methodology, followed by a discussion of relevant Icelandic legal context. The findings describe the role and function of RPOs in facilitating effective access to justice for disabled women, discusses of some of their limitations and concludes by accounting for the disabled women's experiences in relation to the RPO scheme.

2. INTERDISCIPLINARY HUMAN RIGHTS APPROACH

The interdisciplinary research presented here employs a human rights approach to gain a comprehensive view of access to justice for disabled women subjected to gender-based violence. The human rights approach is both driven and supported by the CRPD (O'Mahony & Quinn 2017), which introduced a paradigm shift towards a new understanding of disabled people (Degener 2016). This human rights treaty signalled a 'new era for people with disabilities' (Lawson 2007), recognising disabled people and explicitly reiterating their standing as rights holders (Kanter 2014). Thus, the Convention encapsulates a human rights perspective on disability and uniquely combines it with the social understanding of disability (Degener 2016; O'Mahony & Quinn 2017).

As summarised by Traustadóttir (2009: 5) the social-relational understanding of disability, often referred to as the social model, focusses on the interaction between the individual and the social context and emphasises social barriers that need to be removed. The human rights approach, as articulated in the CRPD, goes beyond the reach of the social approach, providing additional means of reaching the goal of full disability equality and fundamentally changing the position of disabled people from recipients of welfare to having entitlements (Degener 2016; Kanter 2014). Unlike the social model, the human rights model includes a clear recognition of the 'different layers of identity' (Degener 2016: 10), recognising the aggravated forms of discrimination often faced by disabled persons on the basis of the combination of disability with other factors (Degener, 2017). This means recognising the multiple discriminations resulting from the intersection of disability and gender (and possibly other factors) faced by disabled women, which can lead to violence and social injustice (Allen 2001). Accordingly, gender-based violence against disabled women is the outcome of the violation of the right to freedom from violence and access to justice as called for by CRPD's Articles 6 on Women and Girls with Disabilities, Article 13 on Access to Justice, and Article 16 on Freedom from Exploitation, Violence and Abuse. Addressing gender-based violence against disabled women means that states that have ratified the CRPD need to pay particular attention to the intersection of gender and disability-specific measures required to ensure disabled women full enjoyment of their right to be free from violence and to access the justice system to report and or prosecute violence. Both articles 13 and 16 CRPD require states to adopt legislation and policies which ensure that disabled women get the adequate support needed to detect violence, and that their reports are taken seriously. More specifically, Article 13(1) requires that states ensure effective access to justice for disabled people on an equal basis with others through the provision of procedural and age-appropriate accommodations. The interpretation of article 13 that has been proffered by the CRPD Committee on the Rights of Persons with Disabilities demonstrates that procedural accommodations include support for disabled women throughout the process of detecting, reporting, and prosecuting violence, including before and during court proceedings (Flynn 2018). An example of this is the provision of RPOs to assist disabled women with the protection of their rights, as will be outlined in this paper.

3. METHODS

This research is part of the first author's doctoral research, which focuses on access to justice for disabled women who have been subjected to gender-based violence in Iceland. The research was carried out between 2019 and 2022, with the aim to gain in-depth knowledge

about the experiences of disabled women, as well as the experiences of those who supported them through detection, reporting, investigation, and prosecuting violence. The research employed three qualitative methods: semi-structured interviews, document analysis and field observation (Taylor et al. 2016). A total of 36 semi-structured interviews were carried out with three groups of participants: 16 interviews with disabled women with a range of different impairments (including physical, sensory and intellectual), age, gender identity, ethnic background, education, and socio-economic status; 15 interviews with professionals working in support frameworks focusing on disabled women who have been subjected to violence, and justice workers (e.g. RPOs, lawyers, police, prosecutors, judges), and five interviews with experts in the field of disability and violence. Although all the data collected informs our analysis, this paper focuses primarily on data regarding the role of RPOs as a new and innovative way to support disabled women throughout the justice system. This includes interviews with six RPOs, document analysis of relevant Icelandic legislation and guidelines, and international human rights treaties as well as information from field observations during court proceedings and visits to different victim/survivor support centres. Information is furthermore drawn from interviews with the professionals working within the justice system in the reporting/prosecuting structures as complimentary regarding RPO's role in supporting disabled women to access the Icelandic justice system.

The participants were identified through formal and informal networks and recruited using purposive sampling, which allows for the selection of people who have experience of relevance to the study at hand (Creswell 2007). Alongside data collection, the grounded theory approach has been used to guide the analysis of the interview data (Charmaz 2014), which aims to generate theories, concepts and hypotheses from the data (Creswell 2007).

Ethical approval was obtained from the University of Iceland's Scientific Ethics Committee in April 2020. The initial recruitment e-mails and conversations with participants included the provision of an information sheet and a consent form. The information sheet contained the aims and objectives of the study, voluntary participation, procedures for anonymity and confidentiality and the right to withdraw from the study, data storage and use of information. Consent forms were signed at the beginning of the interview or returned to the researcher by email. Interview questions were open-ended and exploratory in nature, investigating the experience of RPOs when supporting disabled women who have been subject to violence. The interviews also addressed issues such as RPO actions, support services, access to justice structures, provision of gender-appropriate, procedural, and reasonable accommodations, legislation, and public policies. Each interview lasted approximately 1–2 hours and was audio recorded with consent.

Some of the Icelandic legislation has an official English translation. The Icelandic legislation and other written materials for analysis, which were not in English, were translated into English by a research assistant with a law degree. Any quotes from these documents used in this paper are drawn from the English translations.

4. RELEVANT ICELANDIC LEGAL CONTEXT

This section outlines and discusses aspects of Icelandic law and guidelines relevant to the role of Rights Protection Officers and provides important contextual information for the more detailed discussion of their role and function.

4.1 ACT ON THE PROTECTION OF THE RIGHTS OF DISABLED PERSONS, NO. 88/2011 (PRDP ACT 2011)

The purpose of this act, as set out in Article 1, is to ensure the protection of rights of disabled people and making sure they have appropriate support in safeguarding their rights. In doing so, the act requires the CRPD to be considered. The act provides for protection of rights through the set-up of a Rights Monitoring Unit within the Ministry of Social Affairs and Labour, which is responsible for the supervision of the RPOs, alongside the administrative implementation of the Act, and carrying out educational, informational functions, and training to all involved in supporting and protecting the rights of disabled people (Art. 3).

The RPOs are public officials with knowledge and expertise of the disability field. As stated in Articles 4 and 5, RPOs have the task of monitoring the situation of disabled people and assisting

them in all matters concerning their services, personal finances and rights issues in general. Thus, they are ideally placed to assist a disabled person in defending and accessing their rights. Furthermore, Article 6 states that anyone witnessing, hearing, or being told about an incident of right infringements of disabled people must report it to the RPOs and or to the police. When informed of a violation of the disabled person's rights, RPOs are required to support them in seeking redress. The RPOs can also take up cases on their own initiative. If the RPO considers a case to be of such a nature, they may deliver to the party concerned instructions on how to remedy the situation, with a deadline by which these are to be complied with. If these remedial instructions are not acted upon, the RPO will help the disabled person to pursue further actions for example with a formal complaint. This act is the basis for the function of RPOs, however, it is not part of criminal procedure, and thus, not obligatory regarding access to justice for disabled people.

4.2. STATE PROSECUTOR'S GUIDELINES AND AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE

The Icelandic State Prosecutor issued in 2018 Guidelines on the handling of sexual offense cases involving disabled people (Ríkissaksóknari 2018). For present purposes, the most important guideline requires involving a RPO from the early stages of a given case. This is, in effect, a recommended procedural accommodation for the benefit of disabled people, 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. As outlined above the role of RPOs is to support and assist disabled people to access and protect their rights. In doing so, RPOs can request reasonable and procedural accommodations to enable access to justice. The State Prosecution Guidelines include other recommendations that enhance the role and actions of the RPOs in supporting disabled people, especially during the reporting and police statement. The recommendations include to assess whether the impairment of the victim calls for 'special measures' to be taken by police, adapt the investigation to each individual case and individual victim, and respect the will and wishes of the person in question, among others (Ríkissaksóknari 2018). It must be emphasised, however, that these guidelines are not legally binding and are only for cases involving sexual violence.

After the data for this study were collected an amendment no. 61/2022 was made to the Code of Criminal Procedure no.88/2008 based on the Prosecutor's guidelines. The main changes allows a disabled defendant or a witness to bring a qualified support person, while testifying before the police (Art 61) or before a court (Art. 113) and allows a judge to summon an expert to assist with questioning (Art. 123). Although RPOs are not mentioned directly in the Code of Criminal Procedure their role is made clear in the accompanying bill regarding the aforementioned articles.

5. FINDINGS

This section presents the findings on the role and scope of RPOs. It describes how they become involved, their support and assistance at the different stages of the justice system, the limitations to their role, and provides an account of the experiences of the disabled women regarding the RPO scheme.

5.1 ESTABLISHING CONTACT, CONSENT AND FOLLOW UP ACTIONS

The RPOs role and function is described as falling under the CRPD's Articles 12 on Legal Capacity and 13 on Access to Justice. This positions the RPOs to assist disabled women regarding supports and services and being equal before the law while respecting their will and preference. One RPO stated:

First of all, as a rights protection officer, my key role is supporting disabled people according to Articles 12 and 13 of the UN CRPD ... in Article 13 we have the role to help people in the justice system, and to go through, for example, police interrogation ... and when people go to court, to support them in having a say in the matter ... so they have more equal access to the system than they did before.

All the RPOs provided examples of how the process took place, beginning with how their involvement was requested. Although this paper focuses solely on the RPOs' role regarding disabled women who were victims of violence, it is important to note that RPOs also support disabled defendants. The RPOs do not have a strict procedure. Instead, there is a flexible structure in terms of how they work with cases.

The reporting process often begins when the disabled women, family, co-workers, organizations, police or other individuals contact the RPOs. RPOs can also initiate cases if they learn about or witness violations of rights. Hence, there are multiple ways the RPOs are contacted and involved. Once the contact is made, an RPO is assigned to the disabled woman. RPOs are located in different regions of the country and most often the disabled woman is assigned to an RPO within the region where she lives. Although RPOs are randomly assigned to a given case, the RPO's expertise and gender, and the disabled person's preference of RPO, are taken into consideration. In addition, during the first contact of an RPO with a disabled woman, she is informed that she has an option to have a woman RPO if she prefers, and she can also request a disabled RPO, or a non-disabled one, or not having an RPO involved at all. This suggests a strong sensitivity concerning gendered power relations in this process.

An important part of the assigning of the case involves the RPO seeking consent from the disabled person to be involved. Included in the process of gaining consent is explaining who the RPOs are, their role, and the type of supports the RPO could provide. In particular, the RPOs emphasise the need to have the consent from the violated person, as stated by one of the RPOs:

She [the woman who was violated] told her father and mother and they came to me and asked for help. I told them "we can talk but we always talk to the disabled person at the centre of the case". As Rights Protection Officers we cannot do anything unless the disabled person agrees.

RPOs state that additional measures are taken in gaining consent from non-verbal women and in cases involving immigrant disabled women who do not speak Icelandic. In cases where the police initiate the contact with the RPOs, they use the same procedure of explaining their role in order to gain consent from the disabled woman to be involved in her case. One RPO said: 'It's the same process (if the police initiate the contact), because we always have to ask the individual if she wants to have us there'. Thus, if the police call them without having gained the disabled woman's consent, the RPO then explains their role to her:

You have a right to have us here, but you can also deny having us here. You have your lawyer that will support you, but we will support you in this interview, and we can also assist you in getting the right support, for example psychological assistance, social assistance and so on and so forth.

The RPOs highlighted the importance of gaining the trust of the disabled person and their acceptance to assist them with the protection of their rights or in accessing the justice system.

After being assigned and having gained the consent of the disabled woman, six main categories can be identified regarding the role of RPOs: (1) follow-up actions after obtaining consent from the disabled women; (2) provision of information and advice to police before conducting the police statement; (3) informing and requesting the provision of procedural and reasonable accommodations throughout the process; (4) follow-on actions after the statement has been given to the police; (5) assistance when cases are dropped at the prosecution stage; and (6) support before and in court if the case is prosecuted. The categories reflect processes and structures influencing the support provided to the women by the RPOs, as well as aspects the RPOs considered important.

The RPOs constantly referred to and repeated the fact that they use different ways to accommodate the person seeking their help. An RPO explained:

It depends on what the person wants, maybe it goes straight to the police, maybe to counselling, maybe to the social services if you want to change your house or get some kind of help from them... and maybe it'll go to Bjarkarhlíð [Family Justice Centre for survivors of violence]. It depends on the person ... it's their choice what to do.

Another RPO also highlighted that the most important role of the RPO is to support the disabled individual and listen to them and their needs. An example of the kind of support provided was described by one of the RPOs, who stated that after introducing their role and gaining consent from a disabled woman who had been sexually violated, the following process took place:

My job was to contact the local social services and asked them to provide the person with the sort of social support needed. Then we went to the police and had the statement in a special location in Reykjavik, that is not the police station, where the person got support from both, me and her family, and the staff of the [Centre for Survivors of Sexual Violence]. When the statement was over, I went over to the social services and explained the case, after asking the person if she wanted me to do that.

These follow-up actions are also provided by RPOs when the violence has first been reported to the police, which has then contacted the RPOs and asked them to be involved in the case, as it will be described next.

5.2 BEFORE, DURING AND AFTER POLICE STATEMENT

The RPOs are frequently a part of the case from the very beginning, before a case comes to the attention of the police and often support disabled women to report to the police. As the State Prosecutor's Guidelines are not legally binding, it depends on each police officer whether to contact the RPOs or not. Thus, before Amendment no. 61/2022 of the Code of Criminal Procedure, whether or not a disabled woman would be supported by an RPO could depend on the willingness of the individual police officer. An RPO stated:

The process usually starts with the person or the police. For example, in the case of violence the police contact us and asks us to be a part of the investigation, to support the individual in the interview, to evaluate and to provide knowledge about the individual, so they can receive the right support.

One of the police officers described the important role of RPOs in preparing to take the police statement from the disabled woman, in particular regarding advice on how to communicate with the disabled person, where to take the statement, what kinds of words to use, personal details that could help to break the ice, and so on. There is no protocol about what information the RPOs have to provide the police officers in a given case. However, RPOs find it crucial to inform police officers about specific important information regarding the individual characteristics and needs of each disabled woman. For example, one RPO informed the police officer in charge about the disabled woman needing extra time to think and express herself, and allow her to describe things in her own words. In the RPO's words:

I knew she needed time to think about her answers; it didn't mean that she doesn't know the answer or that she doesn't want to answer, just that she needs time. I knew that, so I could deliver that information both to the police and to the lawyer, to wait for her to finish and to encourage her to describe things with her own words.

Such advanced preparation highlights the role of RPOs in informing the police and requesting procedural and reasonable accommodations before and during the police statement to meet the needs of the disabled woman. Regardless of how a case went to the police, communication between RPOs and police involves exchanging and gathering information on each disabled woman and her needs for accommodations and supports in preparation for the police statement. A RPO explained:

When they [police] are investigating the case then it's our job to make sure that the police do things in the way that is right for the person. And that can be maybe not going down to the police station, if you are afraid of the police, or ask them not to wear police uniform... We tell the person "you can choose what's best for you". We also take into account people who are autistic: what's the lighting like, what's the sound like, to make everything as easy as it can be for the person.

Thus, in addition to supporting disabled women to report the violence the RPOs also inform, advise, and request the needed reasonable accommodations to be provided by the police.

The RPOs listed a number of different reasonable accommodations requested and provided depending on the case. This includes the use of different communication devices, sign language interpreters, and to conduct the interview at people's homes or the RPO's office. In cases involving disabled immigrants, interpreters have been used. The State Prosecution Guidelines recommend the provision of 'special measures' which can be interpreted as the provision of procedural and reasonable accommodations (Ríkissaksóknari 2018).

Moreover, during the police statement, the lawyer and the RPO can interfere if, as one lawyer said, 'the victim is being pushed or not well treated, or asked questions that are leading or are insulting or are prejudiced' to avoid secondary victimisation. The importance of the assistance, advice, exchange of information with RPOs, and the provision of accommodations, have been confirmed by all the interviewed police officers. Highlighting their importance, one police officer described the role of RPOs as facilitating communication and understanding: 'they guarantee understanding both ways'. The police officer added that lawyers often lack disability-based knowledge and may find it difficult to understand their clients. The police officer therefore found it necessary to have a RPO involved to assist him in the communication with the disabled person. He also stated that the lawyers are usually quiet during the police statement and emphasised the importance of the RPO in such circumstances.

The lack of disability-based knowledge among lawyers was also highlighted by RPOs. An RPO commented that they sometimes advise the police what kind of lawyer is needed and, when possible, suggested a lawyer with knowledge about disability issues. This collaboration between some police and RPOs is important for the enhancement of disability rights, and as one police officer described it: 'we are respecting each other's field, in my opinion'.

After the police statement has been taken, the investigation stage begins. Parallel to the investigation, there are various follow-up actions that RPOs take in supporting the disabled women such as various support services, counselling, and safe housing.

5.3 PROSECUTION STAGE: CASE SENT BACK OR DROPPED

Depending on the type of violence and the evidence, police can send cases directly to court or drop them at the investigation stage. Cases involving sexual violence are always sent to the prosecution. However, participants stated that most of these cases were dropped at the prosecution stage. This was due to various reasons, including lack of evidence and potential inconsistency of victim's statement in court. One prosecutor explained that they 'have to evaluate the case, is it likely or not likely to lead to a guilty verdict'. If 'yes', they send it to court. If not, they consider if there is more evidence that can make a difference to the outcome and if the answer is 'no', then they drop the case. In the prosecutor's words:

I'm not allowed to take a case to court unless I think that I can prove it, so that's what we are always thinking. We drop the case if we think it's not strong enough. All victims of sexual offence cases that are dropped and not taken to court are invited to come and meet us, where we tell them that we are not taking the case further and explain the arguments. We go over it openly with them and give them the opportunity to ask questions.

The RPOs have also been invited to these kinds of meeting to support the disabled person. The possessive RPOs role is to make sure the process is accessible to the disabled woman, figuring out ways to convey key details needed in a case, but also to point out what has not been looked at during the investigation, which in turn could help to support the claim of the disabled woman. The prosecutor can decide to send the case back to police for further investigation or drop the case. If the woman doesn't want to go further, the case is closed. But if she wants to appeal, the case is sent to the Directory of Public Prosecution for review.

As outlined in section 4.2, the State Prosecution Guidelines recommend the involvement of RPOs at investigation and prosecution stages of sexual violence cases involving disabled people (Ríkissaksóknari 2018). Hence, similar as with individual police officers, it depends on the prosecutor of a given case whether or not to involve the RPO if they decide to send the case back to police for more evidence, drop the case, or send it to court.

The RPOs play an important role in supporting disabled women and requesting procedural and reasonable accommodations before and in court. However, as there is no policy nor procedure in place, it depends on the disabled woman, her spokesperson (if required), and her lawyer whether to involve the RPO during the preparation for court. In cases where the RPO has been involved at the police stage, it is more likely that they continue to be involved in the preparation for court. In order to facilitate this, the lawyer has to inform the RPO about the case going to court, the date for court hearing, and invite the RPO to take part in the preparations. However, permission for the presence of RPOs in the court room during the hearing must be requested from the judge of the given case. An RPO stated: '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'. The PRDP Act and the State Prosecutor Guidelines (2018) are neither obligatory nor apply to court. Similar to the police and prosecutors, it is at the discretion of the individual judge to accept such a request and issue a permit for the RPO to be present in court. Yet again, the involvement of RPOs is dependent on individual justice workers.

Examples of the support provided to disabled women by RPOs before court include meeting with her and her lawyer before court to explain her rights, provide information about all persons involved, visiting the court room before the hearing and explaining where she, the judge, the lawyer and RPO will be sitting, informing her that the perpetrator will be removed from the courtroom during her statement and that she will have extra time to think and answer questions during the court hearing. One of the RPOs described how she prepared a disabled woman before appearing in court:

I have been in court with this one woman and I could be by her side. I also prepared her beforehand. We went to the court, I showed her around, I got permission to show her the place before she went there. So, here you will sit and here I will sit here, and the judges are there.

This RPO stressed the importance of visiting the court in advance, especially for autistic women. Similar to informing and advising the police in how to interact with the disabled women during the investigation stage, the RPOs can do the same with lawyers, prosecutors and judges during the court stage. The RPO explained:

I knew that she does long pauses when she talks ... she needs time, and I knew that so I could deliver that information to the police and to the lawyer. Before the hearing, I told the judge and the attorneys that she will need her time to answer, and she needed time to think to answer.

Another RPO highlighted informing lawyers, prosecutors, and sometimes judges about different communication methods and needs of individual disabled women. In particular, if the woman does not use speech but uses an alternative form of communication.

Accommodations in court are usually welcomed but it depends on the judge. The RPOs also highlighted the increasing collaboration with judges and the potential improvement of access to justice if judges are informed and advised. This collaboration between judges and RPOs is crucial, particularly due to recent amendments to the [Code of Criminal Procedure No 88/2008](#) allowing for the court statement from a disabled victim to be held in "specially equipped premises" if it is considered more convenient (Art. 9, Amendment 61/2022). It has proven important to involve RPOs to advise on the suitable location depending on the needs of the disabled woman rather than act upon the request of the victim's lawyer, who may not have disability-rights-based training and may request the use of the children's courthouse facility (Is *Barnahús*). The RPOs regard it highly troubling when a place for children is considered as acceptable and advocate for an age-appropriate venue for adult disabled women. Thus, the role of RPOs is vital in enabling effective access to justice for disabled women, in requesting accommodations throughout the process of reporting and prosecuting violence, and in informing and advising justice workers why and how these accommodations need to be provided.

5.5 LIMITATIONS OF RPOs

While the role and scope of possessive RPOs engagement is fairly broad and important in safeguarding disabled people's rights, we also found some significant limitations. One of them being the lack of knowledge and awareness of the scope of their role. Asked about engaging RPOs, one police officer stated: 'if it's needed you are allowed to'. This highlights the lack of understanding the purpose of involving RPOs, which is first and foremost to support the disabled woman and then to advise and assist the police. The same misunderstanding also applies to many legal professionals. Another participant, a professional who was court appointed as a special judge and who had presided over many cases involving disabled women, expressed similar lack of awareness. He knew about the existence of RPOs and their role in supporting disabled people in relation to support services, but not their role regarding access to justice, and stated that he does not see the RPOs as helpful nor as part of the justice system. In his words:

I'm never convinced that they are helpful... they are not crucial in any way for the investigation or the proceedings or the final outcome. I don't see their work or the influence of their work, it may well be there ... I'm unsure. I don't really see them as a part of the justice system.

Thus, the role of RPOs is neither fully known or understood by many justice workers nor by those who use their help and support. To amend this, disability-rights-based training and awareness needs to be provided by the Ministry of Social Affairs and Labour as outlined in Article 3 of the PRDP Act (2011) and required by CRPD Article 13 on Access to Justice. Such training is particularly urgent in order to inform justice workers about the new Amendment 61/2022 to the Criminal Procedures identifying RPOs as potential support person at police and court stages. Furthermore, lack of formal authority to follow-up on their recommendations is also a limitation to the RPO scheme. All the RPOs called for the need of their role to be strengthened. One RPO emphasised: 'there's more authority needed, yes, to the Rights Protection Officers'. Another RPO expressed the feeling of tied hands and powerlessness. Confirming the lack of authority:

We can request information and we can have conversations, and we can appeal positions and things like that, but we cannot demand change. We can suggest changes, but we cannot say: 'You have to.'

This lack of authority also affects the role of RPOs when requesting procedural and reasonable accommodations to support disabled women and its provision by justice workers.

5.6 DISABLED WOMEN'S EXPERIENCES AND RPOS

Initiatives such as the RPO scheme can be crucially important in assisting disabled women to report violence and navigate the justice system. This was reflected in the experience of the women in the study who reported the violence. They sought the assistance of an RPO and found their support helpful and even crucial in difficult situations and for a positive outcome. The women who had knowledge or direct experience of working with RPOs expressed a high-level of trust in them and stated that they trusted the RPOs rather than the police. One of the women with an intellectual disability said: 'I would first go to the Rights Protection Officer because the police would never believe people with intellectual disability.' Many of the women feared not being believed or listened to, or even being subjected to a second victimisation by the police. They viewed the RPOs as protecting them from negative or harmful treatment when going to the police to report the violence. One of the disabled women, whose case went through the entire justice system, identified the support and on-going assistance from an RPO as a key to her positive experience of the justice system and successful court case outcome. She highlighted feeling safe and secure throughout the process due to the support and guidance of the RPO. Another example of helpful support from an RPO was from a woman who was subjected to domestic violence by her partner. Her case was successfully solved by removing her partner from their home. The woman commented 'I saved the situation ... with the help of a really good Rights Protection Officer'.

Although some of the disabled women had positive stories and experiences of RPOs, that was not true for all of them. In fact, many of them either did not know about the RPOs or they

lacked information about their role and the scope of their work and, therefore, did not seek their assistance. Some did not know they could report the violence to the RPOs and some of them first learned about the existence of the RPOs at the outset of reporting the violence, when police or service professionals informed them. The disabled women who did have knowledge about the RPOs had usually learned about them from their involvement in disabled people's organisations. This means that the women who did not engaged with the disability movement were less likely to know about RPOs and their roles. In addition, some of the women who lived outside the Reykjavik capital area had never heard about the RPOs. This echoes the limitations of the RPOs outlined above about the lack of awareness and understanding of RPOs and the scope of their work, not only among justice workers, but also among disabled women. This raises alarming concerns about the uneven access to justice for disabled women who have been subjected to violence.

6. CONCLUSION

This paper has analysed and highlighted the Rights Protection Officer scheme and identified it as a procedural accommodation in enabling effective access to justice for disabled women who have been subjected to gender-based violence in Iceland. Our conclusion is that the RPOs role can be crucial in supporting disabled women and protecting their rights when reporting and/or prosecuting violence. RPOs provide information on detecting violence and where to report it, assist with reporting and during the initial police statement, and request accessibility accommodations throughout the process. All of this is provided in agreement with the disabled woman in an on-going collaboration. In particular, we regard as essential the RPO's assistance in seeking supports and reasonable accommodations to meet the needs of disabled women within the justice system. Simultaneously, RPOs can also play a key role in informing and advising other justice workers in how to facilitate and accommodate the needs of disabled women who report violence.

This study found that the involvement of RPOs often depended on the views of individual police, prosecutors and judges. This dependency on particular justice workers limits the role of RPOs, which, in turn, limits the access to justice for disabled women and results in uneven access to justice. Effective access to justice is needed throughout the process and not only at selected stages. RPO's role needs to be strengthened and given more authority. Their role is not fully known or understood by many justice workers. Thus, disability-rights-based training and awareness on the role of RPOs should be provided in line with the PRDP act (2011) and CRPD's article 13 on Access to Justice.

A main concern, however, is the fact that the RPO scheme is not well known among disabled women resulting in uneven access to justice. According to international research (Emerson & Llewellyn 2023) disabled women are among the most vulnerable victims of gender-based-violence and their path to justice fraught with significant and complex barriers (McCulloch et al. 2021; Flynn & Lawson 2013). Innovative schemes such as the RPOs, aiming at protecting their rights and support them in accessing the justice system, are crucial to overcome such barriers. However, our analysis of the experiences of disabled women with regard to the RPO scheme shows that it is not sufficient to establish innovative procedural accommodations. In order for them to make a difference, disabled women must have knowledge about them and find them accessible and trustworthy. Raising awareness about RPOs among disabled women would be a vital step in supporting more equal access to justice.

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COMPETING INTERESTS

The authors have no competing interests to declare.

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5.3 Summary of Findings

The three articles representing the findings of this dissertation provide an in-depth analysis of the lived experiences of gender-based violence by disabled women in Iceland including the forms and contexts of this violence. Findings also report the disabled women's experiences of the justice system highlighting both the barriers they encounter as well as aspects that facilitate and support their road to justice. Each article approaches its subject from a different perspective, collectively highlighting the critical importance of realizing the right to live free from violence and access to justice, as called for by the CRPD, in order for full disability equality to be achieved.

The violence described by the disabled women revealed that it took multiple and diverse forms throughout their lifespan, some of which were shared with non-disabled women while other forms were specifically disability related. The vast majority of the perpetrators were men, including family members, partners, workers within the service system and strangers. Findings show a strong link between the marginalization, powerlessness and subordinate status of the disabled women and the violence to which they were subjected. A striking finding was that only three of the 16 women interviewed reported the violence they experienced. An analysis revealed a set of complex and multiple cultural and structural barriers in addition to personal and interpersonal ones highlighting that pursuit of justice is simultaneously deeply personal and strongly influenced by a range of social and cultural contexts. The in-depth analysis of one Icelandic court case provided valuable insights regarding the disabled women's access to the justice system. Tracing this court case, from the moment the disabled woman tells her family about the violence, to the successful prosecution and conviction of the perpetrator highlighted both strengths and weaknesses of the justice system. Observing the roles of the various actors involved such as police, prosecutors, defence lawyers, judges and other justice workers revealed the critical importance of the provision of various procedural accommodations and individualised reasonable accommodations. In this particular court case Rights Protection Officers (RPOs) were identified as playing a critical role in offering the necessary accommodation to ensure a positive outcome. Despite this court case's positive result, the analysis reveals that, sadly, access to justice is often dependent on individual justice workers. During the course of the study the Rights Protection Officers emerged as a particularly important procedural accommodation and were identified as crucial in supporting disabled women in protecting their rights including when reporting or the prosecution of violence. This led to an in-dept analysis of the RPO system including the law, guidelines and a mapping of their role and function. While this analysis confirmed the importance of RPOs in enabling effective access to justice, it also revealed weaknesses and limitations. These included the fact that the involvement of RPOs is not mandatory but instead contingent on the discretion of individual police officers, prosecutors and judges. Furthermore, even when involved, RPOs lacked formal authority to enforce their recommendations. A main concern, however, was the fact that the RPO scheme was neither well known by many justice workers or by disabled women resulting in uneven access to justice.

6 Concluding Reflections and Recommendations

This dissertation has provided a critical analysis of access to justice as experienced by a diverse group of disabled women in Iceland, examining both the challenges they face, and the initiatives intended to enhance access to justice. It has highlighted the need for Icelandic legal and procedural processes to more fully align with the international human rights standards articulated in the CRPD. The central aim of this study is to create a space for disabled women to articulate their lived experiences in the hope that these insights will inform other women, advocates, professionals, justice workers and policy makers. The research findings reveal multiple challenges and persistent barriers that undermine disabled women's right to live free from violence and to access justice. The study also identifies the crucial role played by Rights Protection Officers in facilitating access to justice as a procedural accommodation. RPOs emerged as a key promising practice, and one of primary recommendations drawn from this research was to strengthen their role and authority. It was therefore deeply disappointing that the Rights Protection Office was closed in December 2024. This development represents one of many significant policy and practice changes related to violence, disabled women and access to justice which has taken place after the completion of data collection, analysis and writing. As these developments fell outside the scope of the original research, these changes are not addressed in the dissertation. However, because they have the potential to reshape the landscape concerning violence against disabled women and their access to justice, I will provide some brief insights into the most notable developments, some of which are still evolving.

This final chapter was originally intended to propose recommendations for changes grounded in the law and policy landscape as it existed during the research period. These recommendations were developed to support access to justice in line with the requirements outlined in the CRPD, particularly in Articles 6, 13 and 16, which formed the core of the study. While this remains the purpose, it is also necessary to situate them within the context of the recent developments. As the recommendations are now partly informed by this new landscape, I will outline these changes before presenting the recommendations themselves.

6.1 Closing the Rights Protection Office and Establishing an Icelandic Human Rights Institute

The Rights Protection Office, which operated as a part of the Ministry of Social Affairs and Labour (Is. Félags- og vinnumarkaðsráðuneytið), was closed on 31 December 2024 and all Rights Protection Officers were dismissed. Authorities announced that the role

of RPOs would be re-established within Iceland's first National Human Rights Institute (Ís. Mannréttindastofnun Íslands). Many hoped this administrative change would strengthen human rights mandate and authority of the RPOs and facilitate Iceland's implementation of the CRPD, including obligations related to violence against disabled women and their access to justice. However, many months after the formal establishment of the Icelandic Human Rights Institute (IHRI) in May 2025, its operations remain limited. Considerable time and resources have been devoted to hiring a director and staff, setting up the Institute's office and establishing operational guidelines. Although the institute has launched a website (Mannréttindastofnun Íslands, n.d.), it contained only minimal information at the time of finalising this chapter in January 2026.

While the establishment of a National Human Rights Institute is a positive development, it has not strengthened the role of the Rights Protection Officers. Before their office was closed, 11 RPOs were working across Iceland. Only three RPOs have been hired at the new IHRI, and only one of them has previous experience as an RPO. Their mandate has also shifted: under the IHRI, the RPOs now primarily carry out monitoring functions and no longer provide procedural accommodation. This function is now transferred to disabled people's personal spokespersons as proposed in a new bill that will replace the existing Law on Rights Protection for Disabled People (no. 88/2011). The new bill has a similar name, Bill on Protecting Disabled People's Rights (Ís. Frumvarp um réttindavernd fatlaðs fólks). It has been presented to Althingi (the Icelandic parliament) and is being reviewed by its Welfare Committee at the time of writing (Althingi, 2026). During its consultation period in late 2025, disabled people's organizations expressed strong concerns about the proposal, particularly the expectation that personal spokespersons are proposed to take over a major role in supporting disabled people and protecting their rights, including the procedural accommodation previously assigned to RPOs. Concerns were that personal spokespersons are private citizens, often family members with no requirements for training or knowledge in law, disability human rights, or the justice system. It is also important to note that this change may not be particularly helpful when it comes to access to justice. A family member, assigned as a personal spokesperson, is highly likely to be considered a witness in the legal proceedings of a given case involving violence, and thus, would not be allowed to support the survivor of abuse regarding the requests, needs and provision of procedural and reasonable accommodations. Drawing on findings of my study, this occurred in Mary's case: Mary's mother, as her personal spokesperson and a witness, was not permitted to support her during police questioning or in court. The vital role played by the RPO in Mary's case demonstrates the essential need for procedural accommodation to be entrusted to trained professionals with expertise in disability rights, access to justice, the justice system, violence and prevention and protection mechanisms. Although several aspects of the proposed bill and the establishment of the

new IHRI are noteworthy, the redefinition of the RPOs role is the issue that is most relevant to this dissertation.

6.2 Draft National Strategy Against Gender-Based Violence Against Women 2026-2030

Iceland ratified the Istanbul Convention in 2018 and has received its first *GREVIO Baseline Evaluation Report* in 2022. (Group of Experts on Action against Violence against Women and Domestic Violence, GREVIO, 2022). While the report is comprehensive, only the issues most relevant to disabled women will be highlighted here. A key concern raised in the report is Iceland's insufficient protection against intersectional discrimination. The report states that Iceland, despite

... legislative measures and action plans, GREVIO has observed a number of barriers which migrant women, women with disabilities and other women exposed to intersectional discrimination face in seeking quality interventions for any of the forms of violence covered by the convention (p. 15).

To amend this, the Committee calls for comprehensive policies that addresses the barriers faced by these women and states "(T)his is particularly important against the backdrop of the heightened exposure to violence of women with disabilities and the fact that migrant women are more likely to be victims of violence" (p. 15).

In response to the GREVIO report the Ministry of Justice (Is. Dómsmálaráðuneytið) has drafted a *National Strategy Against Gender-Based Violence Against Women* with 25 timed actions for 2026-2030 (Dómsmálaráðuneytið, 2025). The draft remains under development and has been opened for comments. While disabled people's organisations welcome the holistic approach concerning violence, they also point out that the experiences, perspectives and issues regarding disabled women should be more clearly stated and integrated into all aspects of the strategy. They call for more active involvement in the continuing development of the strategy (as required by Art. 4(3) CRPD. *DPOs also criticize the definitions of "domestic" and "intimate" violence in the strategy, noting that they do not capture the violence experienced by disabled women living in staffed residential services, even though such violence occurs in their homes and may be perpetrated by staff or co-residents.*

Other concerns include barriers to accessing the health system, the justice system, survivor support organisations due to lack of reasonable accommodation, inaccessible buildings and information, and insufficient staff knowledge about the situations of disabled women. DPOs call for extensive education and training for all professionals involved. DPOs also ask that representatives from disabled people become regular members of the National Strategy's Steering Group.

My initial reaction to this draft strategy is one of disappointment. Despite GREVIO report's strong emphasis on intersectional discrimination and the heightened vulnerability of disabled women, the draft strategy does not contain sufficiently comprehensive measures to address their situation. The Ministry of Justice is currently reviewing comments submitted to the draft strategy, and it remains to be seen whether the final version will incorporate feedback from the disability community.

6.3 National Disability Strategy 2024-2027

The *National Disability Strategy 2024-2027* (Félags- og vinnumarkaðsráðuneytið, 2024) is framed by the authorities as a key instrument for implementing the CRPD in Iceland. This strategy was adopted by parliament after the completion of data collection for this dissertation. Only one paragraph (E.11 pp. 118 - 119) directly addresses issues regarding disabled women. This paragraph acknowledges the multiple discrimination identified in Article 6 of the CRPD and the requirements to ensure their full human rights on an equal basis with others. The action proposed is to establish

... a working group by the Ministry of Social Affairs and Labour to review what legal- and regulatory changes are needed when it comes to services for victims and perpetrators of violence in line with the requirements of the Istanbul Convention, and to propose ways to increase the protection of disabled people against violence, with particular view of the situation of disabled women and non-binary people (p. 119).

Furthermore, it is worth noting, in the context of my dissertation, that when addressing guidance and training about reasonable accommodation and supported decision-making of disabled people within the justice system, the strategy uses the term "disabled people" and has no mention of the specific situation of disabled women and girls (para. A.8, p. 24). It is furthermore noteworthy that para. A.11 (p. 39) calls for regular and systematic collection of statistics, information and data regarding disabled people with no recognition of the importance of collecting and analysing the data by gender. Needless to say, I found this strategy lacking in addressing issues regarding violence, disabled women and access to justice.

6.4 Transposing the Convention on the Rights of Persons with Disabilities into Icelandic law

Another significant recent change is the passing of a law by Althingi on 3 December 2025 making the CRPD part of Icelandic domestic law, entitled Law on the United Nations Convention on the Rights of Persons with Disabilities (Lög um samning Sameinuðu þjóðanna um réttindi fatlaðs fólks no. 80/2025). Since Iceland ratified the CRPD in 2016, DPOs, amongst others, have urged Icelandic governments to transpose it into domestic law. Despite promises from every acting government since 2016, it took almost a decade till the CRPD finally gained the status of domestic law. This is

celebrated in the disability community and by human rights advocates as an important moment in Icelandic human rights history in that it protects, promotes and supports the rights of disabled people in Iceland in clear and legally binding way. A further development of relevance is the CRPD Committee's List of Issues published in September 2025, (Committee on the Rights of Persons with Disabilities, 2025) which requests additional information on Iceland's implementation efforts, including Articles 6, 13 and 16 which are the central articles examined in this dissertation.

6.5 Recommendations

Based on the findings of my research and the context of the new and emerging policy initiatives reviewed above, I will outline a number of what I regard as key recommendations to strengthen disabled women's rights to live free from violence and to access justice. I also hope these recommendations can serve as the potential for charting further advocacy efforts. In line with my research, I limit these recommendations to the three CRPD articles that have been the focus of my study and concern disabled women (Art. 6), access to justice (Art. 13), and freedom from exploitation, violence and abuse (Art. 16).

6.5.1 Women with disabilities (Art. 6)

1. Measures must be taken to ensure the equal and meaningful participation of disabled women and their representative organisations in decision-making processes related to the development of current and future national disability and gender focused strategies, implementation plans, evaluation and monitoring of laws and regulations aimed at addressing disability and gender issues.
2. Measures must be taken to ensure the effective delivery and implementation of existing national gender equality laws and strategies to incorporate the requirements set out by CRPD articles 6, 13 and 16 regarding effective and specific gender-appropriate measures to prevent intersectional discrimination against disabled women.
3. Special attention and resources should be focussed on projects that address support for disabled women, including projects that aim to combat disabled women's marginalisation and intersectional discrimination.
4. Measures must be taken to address the lack of disaggregated data and research to enable the collection, coordination and dissemination of data. Such data would illuminate the prevalence and forms of violence and provide an analysis of the situation of disabled people to inform policy measures and resource allocation.

6.5.2 Freedom from exploitation, violence and abuse (Art. 16)

5. Awareness must be raised about disability rights and violence against disabled women among families, disability and general services, justice workers, and media outlets. Icelandic governments should promote and fund awareness-raising campaigns, including in rural areas, which address discrimination and prejudice towards disabled women, including the widespread violence to which they are subjected.
6. The issue of gender-based abuse and violence against disabled women should be made more visible through inclusive imagery in violence prevention materials and in information resources used within specialist support services.
7. Information about victim support services, complaint mechanisms (including online websites and portals) and legal procedures must be made more readily available and accessible to disabled women. Special consideration must be given to disabled women who live in rural areas and those who have limited access to resources and supports.
8. Require specialized victim-support services, including shelters, to provide accessible and inclusive information and support for disabled women and to collaborate with disabled women's organisations in awareness-raising efforts.
9. Disability services should provide information about accessible victim support services, facilitate access to complaint mechanisms and offer legal assistance to their service users, especially in cases involving violence within services.
10. Facilitation and support must be ensured for disabled women who wish to report violence as well as provision of support and closure for those who do not wish to do so. Part of such facilitation is making sure that new developments, such as the 112 Portal, reach disabled women. Diverse pathways to justice should be respected, institutionalised and supported.

6.5.3 Access to justice (Art. 13)

11. The procedural accommodation offered previously by the RPO scheme must be reestablished to ensure that age-appropriate, procedural, and reasonable accommodations are systematically available and provided to disabled women throughout all stages of legal proceedings. Knowledge and training in disability human rights must be required for professionals filling these roles.
12. Measures must be taken to enforce the duty to reasonable accommodation in relevant investigation and prosecution guidelines in order to ensure equal access for disabled women.

13. Measures should be taken to identify and address multiple and intersecting forms of disadvantage within the justice system to ensure access to justice for disabled women subjected to gender-based violence.
14. Disability-rights training must be provided to all those in the justice system whose work might involve disabled women (police officers, lawyers, prosecutors, judges, and other justice system staff) in order for access to justice to be embedded securely across the justice system. This training should address issues like communication accessibility, unconscious bias, the intersectional discrimination of disabled women, secondary victimization, gender-based violence and misconceptions about disabilities. Such training should be developed in partnership with disabled persons' organisations, including disabled women's organisations and victim support centres.

6.6 Concluding Remarks

This research began with the aim to gain a contextualized understanding of disabled women's rights in Iceland, to live free from violence and to access to justice as guaranteed by the CRPD, are realized in practice. Having concluded this journey, I can confirm that my research echoes findings reported in the international research literature and in stories told by disabled women world-wide. These stories reflect the marginalised status of disabled women who are subject to intersectional discrimination and experience violence to a greater extent than other women. This is also true for Iceland. There is an urgent need to raise awareness about the lived experiences of disabled women and for stronger and more comprehensive measures to prevent violence against them. My hope is that this research and my recommendations will inspire and assist Icelandic authorities to collaborate with disabled women and their organisations in creating more comprehensive and effective measures to ensure their rights are protected and their access to justice guaranteed.

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Appendix A – English

Information Sheet for Participants

Dear recipient,

With this letter we kindly request your participation in the research project *Disabled Women and Violence: Access to Justice*. Below is information about the research, which will be carried out by Eliona Gjeczaj, doctoral student in Disability Studies at the University of Iceland (eliona@hi.is) under the supervision of Rannveig Traustadóttir, Professor of Disability Studies, University of Iceland (rannvt@hi.is).

The research is about violence against disabled women; the women's experiences of various forms of violence and their experiences of reporting the violence, the process after reporting, the investigation of, and possible prosecution of cases of violence. The research also focuses on the experiences of people who come in contact with disabled women who have experienced violence (e.g. rights protection officers, lawyers, police, judges and others within the justice system).

Participation involves one or possibly two interviews, approximately one-hour long. The interviews will be recorded and transcribed word for word. Besides interviews public court documents from cases of violence against disabled women will also be analysed, as well as laws, policies and international human rights treaties.

The information obtained in the interviews with disabled women and professionals will be handled according to laws and regulations on confidentiality and Icelandic and EU laws regarding data protection. All information pertaining to the study will be stored in a secure place, while the study is in progress and destroyed following analyses and no later than five years after the study is completed. All information will be confidential and anonymised.

Please note, that you are not obligated to participate in the study, and you can quit at any time without notice or explanation. You are also free to refuse to answer any questions in the study. In case you feel any distress or discomfort following the interview we will provide a councillor or a therapist at your own choice, without any cost.

With kind regards,

Eliona Gjeczaj and Rannveig Traustadóttir

Appendix A - Icelandic

Upplýsingar til þátttakenda

Ágæti viðtakandi,

Með bréfi þessu viljum við vinsamlega fara þess á leit að þú takir þátt í rannsókninni *Fatlaðar konur og ofbeldi: Aðgengi að réttlæti*. Hér fyrir neðan eru upplýsingar um rannsóknina sem er framkvæmd af Elionu Gjecaj, doktorsnema í fötlunarfræðum við Háskóla Íslands (eliona@hi.is) undir handleiðslu Rannveigar Traustadóttur, prófessors í fötlunarfræðum við sama skóla (rannvt@hi.is).

Rannsóknin fjallar um ofbeldi gegn fötluðum konum; reynslu kvennanna af mismunandi tegundum ofbeldis, reynslu þeirra af að tilkynna ofbeldið og það ferli sem þá tekur við varðandi rannsókn á og hugsanlega ákæru og málssókn fyrir dómstólum. Rannsóknin beinist einnig að reynslu þess fólks sem tengist fötluðum konum og styður þær við slíkar aðstæður (t.d. réttindagæslumenn, lögfræðingar, lögregla, ákærendur, dómarar og aðrir innan réttarkerfisins).

Þátttaka felur í sér að koma í eitt opið viðtal og mögulega tvö ef þátttakendur samþykkja það. Hvert viðtal tekur u.þ.b. eina klukkustund. Viðtölin verða hljóðrituð og afrituð orðrétt. Allar upplýsingar sem fram koma í viðtölum verða meðhöndlaðar samkvæmt ströngustu reglum um trúnað og nafnleynd og farið að íslenskum lögum varðandi persónuvernd, vinnslu og eyðingu frumgagna. Auk viðtala verða opinber skjöl, s.s. dómsskjöl, greind, og rýnt í stefnu, lög, reglugerðir og alþjóða mannréttindasáttmála er snúa að konum og fötluðu fólki. Rannsóknargögn verða varðveitt á öruggum stað á meðan á rannsókn stendur og eytt að lokinni úrvinnslu. Niðurstöður rannsóknarinnar verða gerðar ópersónugreinanlegar.

Tekið skal fram að þér ber ekki skylda til að taka þátt í rannsókninni og þú getur hætt hvenær sem er án fyrirvara eða útskýringa á ákvörðun þinni. Einnig er þér frjálst að neita að svara einstökum

spurningum rannsóknarinnar. Ef eitthvað sem fram kemur í viðtalinu veldur þér vanlíðan, bjóðum við tíma hjá ráðgjafa/ sálfræðingi að þínu vali og þér að kostnaðarlausu.

Virðingarfyllst,

Eliona Gjecaj og Rannveig Traustadóttir

Appendix B - English

Informed Consent

I have read the information sheet about the research, *Disabled Women and Violence: Access to Justice*, and about participation in the study. I have been given the opportunity to ask questions regarding the research and I have received answers and explanations on items unclear to me.

The study is Eliona Gjeczaj's doctoral research in Disability Studies at the University of Iceland and she will be carrying out the research under the supervision of Rannveig Traustadóttir, Professor in Disability Studies.

Participation in the research involves one or more one hour long interviews.

All information will be handled with highest confidentiality. All measures will be taken to keep the information anonymous and untraceable.

With my signature, I confirm that I am willing to participate in the study as it has been described without payment or reward. I am aware that I can quit participation at any time.

Date

Name of participant

With my signature, I confirm to have given information about the study in accordance with laws and regulations and ethical conduct in research.

Eliona Gjecaj

Appendix B - Icelandic

Upplýst samþykki

Ég undirrituð/undirritaður hef lesið kynningarbréf um þátttöku í rannsókninni: Fatlaðar konur og ofbeldi: Aðgengi að réttlæti. Ég hef fengið tækifæri til að spyrja spurninga um rannsóknina og fengið fullnægjandi svör og útskýringar á atriðum sem mér fannst óljós. Ég hef af fúsum og frjálsum vilja ákveðið að taka þátt í rannsókninni.

Rannsóknin er doktorsrannsókn Elionu Gjecaj í fötlunarfræði við Háskóla Íslands og mun hún framkvæma rannsóknina.

Ábyrgðarmaður Rannveiga Traustadóttur, prófessors í fötlunarfræðum og leiðbeinandi Elionu Gjecaj í doktorsnáminu.

Þátttaka í rannsókninni felur í sér eitt eða fleiri viðtöl, hvert og eitt u.þ.b. klukkustundarlangt.

Farið verður með allar upplýsingar sem trúnaðarmál og þess vandlega gætt að ekki verði hægt að rekja þær til þátttakanda.

Ég samþykki hér með að taka þátt í rannsókninni eins og henni er lýst. Mér er frjálst að hætta þátttöku á hvaða stigi hennar sem er.

Dagsetning

Nafn þátttakanda

Undirrituð, framkvæmandi rannsóknarinnar, staðfestir hér með að hafa veitt upplýsingar um eðli og tilgang rannsóknarinnar, í samræmi við lög og reglur um vísindarannsóknir.

Eliona Gjeczaj

Appendix C

Interview Guide for Disabled Women

Introduction

Introduce myself, describe the study, discuss confidentiality, anonymity, interview duration, sign consent form, get permission to record the interview, explain that the woman could become emotional and she has every right to stop at any point, take a break, not answer questions at any time, or withdraw from participation at any point. No correct answers, only disabled women's experience.

Interviewee's information

Background, education, employment, studying, other daily activities? Home and family life? How many are in your family? Your impairment? Describe daily routine.

Experience of violence

Experience of violence – over the life course. When, what form, where, by whom, circumstances. The effects on your life, feelings. Did you tell anyone? Did you report the violence? Are there formal processes to report the violence? Were your rights explained to you? Did you have support to report violence? Support to address the consequences of violence.

Reporting violence

Describe your experience of reporting the violence. Where did you go to report it? The initial contact with the Rights Protection Officers/ police/ social services/...? Procedure and duration of the process? Support services and structures, ways of reporting? Who was involved, family involvement? Experience of contacting the police, police procedures, were your rights explained to you? Reasonable accommodation and measures taken to make the reporting process as accessible and easy as possible for you? Was your complaint/ reporting seen as credible?

Process of cases

What happened after reporting? Were you contacted after? If yes, by whom and about what? What happened with your case after that? Investigation, evidence gathering. Did the case proceed within the justice system or was your case closed?

Case closed

How was the case terminated/closed and by who? Reasons of, or barriers to, going further with your case? Desired outcome, support offered after, and justice served?

Legal representation

Did you seek the representation of a lawyer? Tell me your reasons and why you wanted to get legal representation. Experience of discussing your case with a lawyer. Cost of seeking legal representation. Where did your case go from there? Did you go to court?

Going to court

Describe your experience in court? Why did you want to go to court? Challenges during this process? Court evidence? Your credibility? The cross examination, accommodation for access in court? Outcome, support offered after, and justice served? Appeals to higher court?

Finally, your advice for other women

Given your experience, how do you feel about the access to justice for a disabled woman like you? If you were subjected again to violence, would you report it? How would you go about it, now that you have experience of the justice system? What would you like to see changing in the structures of reporting, investigating, and prosecuting of violence against disabled women? What advice would you give to other disabled women who are subject to violence now, and are thinking of reporting the violence?

Wrapping up, ending the interview

Anything else you'd like to add? Final thoughts or anything you'd like to follow up? Ask if I could be in contact to clarify any topics discussed during the interview. Offer to be contacted after the interview if the participant wants to clarify any topics. Thank the participant.

Appendix D

Interview Guide for Professionals, Experts and Support People

Introduction

Introduce myself, describe the study, discuss confidentiality, anonymity, interview duration, sign consent form, get permission to record the interview, explain that the participant has every right to stop at any point, take a break, not answer questions at any time, or withdraw from participation at any point.

Interviewee's information

Background, education, employment? How long have you worked with disabled people/ women? Reasons for choosing to work with disabled people? How long have you been working in this job?

Work experience/ role

What does your job entail? Describe your role as a Rights Protection Officer/ lawyer/ police/ prosecutor? Can you give me some examples of tasks within your role? What are the legislations, prosecution guidelines that you work with? Process of reporting, investigation, and pressing charges in the context of violence? Collaboration between institutions/ organizations?

Experience with disabled women

Your experience in supporting disabled women to report and/or prosecute violence? Examples of such cases? Initial contact with the disabled women. Procedure and duration of such cases? Supporting structures, ways of reporting, accommodations offered? Who is involved, e.g. family involvement? What happens after a disabled woman has sought your support?

Reporting violence

Describe your experience of supporting a disabled woman during the process of reporting violence? Experience of contacting the police, procedures, reasonable accommodation and measures taken to make such process as accessible and easy as possible for the women? Investigation procedure, evidence, the credibility of the disabled women?

Process of cases

What happened after reporting the case to the police? Examples of outcomes of cases? Which cases go to court? Your experiences with cases that did not go to court and with those that did? How was the case terminated/closed and by who? Reasons of, or barriers to, going further with the case?

Going to court

Describe your experience in representing disabled women in pressing charges and going to court. Challenges faced by you when supporting/ representing a disabled woman during this process? Court evidence? Credibility of disabled women? Your experience of prosecuting a case of violence against a disabled woman? Court

definition of violence, the cross examination, accommodations in court, access in courts? Examples of charges or outcomes of court cases?

Wrapping up, ending the interview

Anything else you'd like to add? Final thoughts or anything you'd like to follow up?
Ask if I could be in contact to clarify any topics discussed during the interview. Offer to be contacted after the interview if the participant wants to clarify any topics.
Thank the participant.