Case summary:[[1]](#footnote-1) *Michael Lockrey v Australia*

Case code: CRPD/C/15/D/13/2013

Communication no 13/2013

Date of communication (initial submission): 8 April 2013

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Invoked provisions of the Convention: Articles [2](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%222), [4](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%224), [5](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%225), [12](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2212), [13](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2213), [21](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2221) and [29](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2229)

Provisions of the Optional Protocol: Articles [2(d) and (e)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx)

Keywords: disability, non-discrimination, access to justice, access to information, sign language interpretation, reasonable accommodation, jury duty, exhaustion of domestic remedies

Decision: Violation of Articles [5(1) and (3)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%225); [9(1)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%229); [13(1)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2213) read alone and in conjunction with articles [3](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%223), [5(1)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%225) and [29(b)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2229), and [21(b)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2221) read alone and in conjunction with articles [2](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%222), [4](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%224) and [5(1) and (3)](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%225) of the Convention

Full decision in HTML format (webpage): [Arabic](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrmSMo182UK2mprKNbfh3PMPwpko%2fU9Bb2vVKo0ELni1lhSSLukve7O9QFA6bWAJO9c%3d), [Chinese](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrnod%2bsPnN571YJ86JUi22cIzmf5Lc5vIRyFO21n8XK0rGAGdqKZdySknxZ1W9Q88RQ%3d), [English](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrkgqAZalfXoS2uWNlT46c6yuX2KnDDjVLmOfS%2fYMou1ioiEowiVsEQjT7G2auElxr0%3d), [French](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrkekmg%2bNJf9d9FEufcpIVov0QO%2bS3Ek%2fCawouYi4fjq86XCkBE0wLrQf8FxNhuuKBA%3d), [Russian](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrmy9S6ZpRM%2be4Py1NCuMZxf0kYTJM6vXoKKb%2bR5eFMCy2qXN8fTnwmlO8Oyk0B5AW8%3d) and [Spanish](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshZEsQpq2VmlaFuT3ws7ySGW8dNnpIlO8P1HxVxVyRdBUqs1nffFrv784h4dZImvhjSKZ1v6jJphrLRPBhfMHrkpk%2bFJLWWrfmODBWicHH0WbNLvTRaRFn4I4ivDp1xA%2bdPXRl9Xzxd%2f%2bSh7sGoSWU4%3d)

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Facts

The author is deaf and requires real-time steno-captioning of formal communications to communicate. On 28 February 2012, he was summoned by the Sheriff’s office of New South Wales to serve as a juror. He repeatedly addressed the Sherriff’s office and requested steno-captioning of proceedings so that he could participate in the jury selection process on an equal basis with others, with no reply. On 26 March 2012, the author was informed that his request to be excused from jury duty had been declined, request he had not made. He reiterated his request to the Sheriff’s office for real time steno-captioning to participate, which was rejected. In May and July, he was summoned to serve as a juror a second and a third time. In both cases, he requested real time steno-captioning and his request was rejected by the Sheriff’s office, stating that section 48 of the Jury Act 1977 does not allow for real-time captioning as it would introduce a non-jury person into the jury deliberation room.

The author lodged a complaint with the AHRC alleging discrimination on the basis of disability by NSW contrary to the DDA in refusing to provide him with steno-captioning to participate as juror. The Sheriff’s office and the author reiterated their arguments in their submissions. No agreement was reached in the conciliation conference convened by the AHRC.

As the DDA and the ADA would not protect from discrimination relating to jury duty as a “public duty or obligation”, **the author considered having exhausted domestic remedies**. Undertaking legal actions before the courts to discussed the extent of protection of those legislations (whether the selection and empanelment of jurors entails “provision of services and facilities” and if it falls within an area of public life in which discrimination is prohibited) seemed not advisable and ineffective and could imply high legal costs when his claim would fail. The author argued that under the Australian case-law, she would be required to identify the services that the Sheriff refused to provide, while reasonable adjustment is not considered a “service”. In light of domestic jurisprudence, even if a court finds that the Sheriff provided “services” to jurors, it will probably conclude that the “true basis” for the Sheriff’s conduct was not disability based discrimination but protecting the integrity of jury deliberations, preventing the presence of strangers. Moreover, ADA`s definition of discrimination on the basis of disability does not include the denial of reasonable adjustment.

The complaint submitted to the Committee

The author claims that State has breached its obligations under Articles [5](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%225), [12](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2212), [13](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2213), [21](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2221) and [29](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%2229), in conjunction with Articles [2](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%222) and [4](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx%22%20%5Cl%20%224) of the CRPD.

In connection with Article 12, he argues that the obligation to perform jury duty is a fundamental dimension of the legal capacity of adult citizens. Further, he argues that the Sheriff’s statements to the AHRC imply that deaf persons are inherently unable to sufficiently comprehend the legal process, violating Article 12. He also submits that the refusal to permit steno-captioning violates his right to access to the support to exercise her legal capacity under article 12(3), her right to non-discrimination under articles 5 and 12, and her freedom to seek, receive and impart information and ideas on an equal basis with others through a form of communication of her choice pursuant to article 21.

Regarding Article 13, the author claimed that the refusal to permit steno-captioning violated her rights to effective access to justice, including in relation to the provision of procedural accommodation, non-discrimination contrary to articles 5 and 13 and freedom to seek, receive and impart information and ideas on an equal basis with others through a form of communication of her choice, contrary to articles 13 and 21. Steno-captioning should be seen as a form of “communication” of her choice in an “official interaction” under article 21, constituting the Sheriff’s refusal a violation of articles 5 and 21.

Regarding article 29, the author asserted that the participation in jury duty is a “political right” and that, as a component of the public administration of justice, the jury system is an aspect of the “conduct of public affairs”. Consequently, the Sheriff’s refusal of Auslan interpretation would violate her rights to enjoy political rights and to have access to public service on an equal basis with others and to non-discrimination in the enjoyment of her political rights.

State party’s observations on the admissibility and merits

The State accepts the general facts as stated by the author but rejects her characterisation of the Sheriff’s actions and of the policy of the State of NSW. Among other general aspects of its policies, It noted that the Jury Amendment Act 2010 (NSW) amended the Jury Act 1977 (NSW) replacing ineligibility for jury duty with capacity to be exempted for a good cause. A person who is unable to perform as juror is eligible for a permanent exemption or exemption for good cause depending on the nature of the sickness, infirmity or disability.

The State also submits that the author **failed to exhaust available domestic remedies** as she did not brought her complaint before any judicial body under the DDA or ADA. Therefore, her claims should be held inadmissible under article 2(d) of the Optional Protocol. Further, the State argued that lack of financial means does not absolve the author from exhausting all available domestic remedies and invoked case law from the Human Rights Committee. Regarding articles 2, 4, 5 and 9 of the CRPD, the State maintains that these claims are inadmissible pursuant to article 2(e) of the Optional Protocol for lack of substantiation.

In connection with Article 12, it considered that the performance of jury duty does not fall within its scope, and that the related author’s claim is thus inadmissible. The author did not provide evidence of an on-going policy in the State party preventing deaf individuals to serve as jurors and that the NSW Government continues to monitor developments in disability aids, technologies and interpreter services and review current policies.

Regarding Article 13, the State submits that “effective access to justice” refers to the accessibility of persons with disability to the justice system when coming into contact with the law, but not to participate in the different components of the justice system. According to the *travaux préparatoires*, jurors were not intended to be included as “direct” and “indirect” participants under article 13, focusing these terms in those relevant to the substance and outcome of a case, such as the parties or witnesses. Further, the State submitted that “reasonable accommodation” does not apply to article 13, which refers to “procedural and age-appropriate accommodations”.

Regarding Article 21, the State submitted that Article 21(b) requires to take all appropriate measures in light of States’ resource constraints and that obligations under article 21(b) are to be realised progressively, having the State of NSW satisfied this standard. It further noted that performance of jury duty is not an “official interaction” under article 21(b). Therefore, the author’s claim would fall outside the scope of this article and is without merit.

Regarding article 29, the State submitted that political rights are limited to those related to the political process (ex. voting) and do not cover jury duty. The State asserted that article 25 of the ICCPR is the main source of article 29 and referred to the Human Rights Committee’s jurisprudence, which confirm that this provision does not extend to jury duty, and invoked the conditions and restrictions that can be applied in compliance with the Human Rights Committee’s General Comment No. 25 on article 25, which the Australian system respects.

Regarding article 5, the State argued that legitimate differential treatment does not constitute discrimination and that its relevant domestic law is not discriminatory in so far as the differential treatment aims at balancing the rights of persons with disabilities with the rights of an accused to a fair trial. Further, the law, practice and policy of the State of NSW facilitate the participation of persons with hearing impairments in jury duty where possible in compliance with article 5(3), being the restriction limited to cases where a person’s disability would render the person “unsuitable for or incapable of effectively serving as a juror”. Finally, the States argued that claims under articles 2; 4 and 9 are without merit because they are unsubstantiated, and therefore inadmissible.

The author’s comments on the State party’s observations

The author rejected the State’s contentions that her communication is inadmissible pursuant to article 2(d) of the OP. The author reiterated that he had no cause of action under the DDA or ADA that would have entitled him to bring a complaint before the courts, referring to domestic case law in similar cases. In regards to costs, the author submitted that the party-party costs that are likely to be awarded against an unsuccessful applicant are ruinous and courts consider whether the applicant has an arguable claim when awarding them.

Regarding State’s comments on claims under articles 2, 4, 5 and 9 for inadmissibility, the author argues that article 2 is an interpretive provision for the use of forms of communication and reasonable accommodation in the case, not questioned by the State party. Both Articles 4, which sets out the general obligations of States, and 9 apply to all the specific obligations of the CRPD. Further, steno-captioning is a “communication technology or system” and form of “live assistance” under article 9.

Regarding State’s comments on her claim on Article 12, the author noted that “legal capacity” refers to the ability of a person to exercise legal rights and entitlements, perform legal obligations and bear legal responsibilities, and there is no textual basis to limit article 12(2) to the exercise of legal rights and entitlements or to “a limited and specific meaning” or a “subset of capacity”. An stenographer is the “appropriate support” she needs to perform as a juror, in compliance with article 12(3). Further, article 12 must be interpreted in the light of article 5 (1) and (3), in so far as steno-captioning is a reasonable accommodation that promote equality before the law for the exercise of legal capacity. The State party does not contend that the provision of Auslan interpretation would constitute a “disproportionate or undue burden”, but that it has already taken measures for the participation of deaf people in jury duty, which however are not pertinent in her case.

Regarding Article 13, the author submitted that “direct and indirect participants” include individuals forming part of the legal system, including jurors, that participation or “intervention” of people with disability in the justice system is a means to achieve access to justice and that she is not equating the article 5 obligation to provide “reasonable accommodation” with article 13 obligation to provide “procedural and age-appropriate accommodations”, being both inter-related but with different meaning and scope. The provision of Auslan interpretation is a reasonable adjustment and it would require simple procedural accommodations, i.e. an oath for Auslan interpreters for secrecy of jury deliberations.

Regarding Article 21, the author contended that there is no textual basis to support that the reference to “official interactions” is not applicable in this case: a court is a public authority focuses on the public administration of justice, including by conducting trials by jury. A juror is a person holding a public responsibility in the administration of justice and is involved in interactions with other persons exercising public duties and responsibilities. Finally, regarding Article 29, the author noted the term “conduct of public affairs” is a wide concept which embraces the exercise of governmental power by all arms of government, including the administration of justice. Jurors play a part in the judicial power as they directly participate to determine guilt or innocence in a criminal trial or liability in a civil trial.

State party’s further observations

The State considered that “political rights” in article 29 does not “encompass and guarantee” all human rights more broadly characterized as political rights in international human rights law, and that the performance of jury duty is not an aspect of the “conduct of public affairs.” Finally, it submitted that the measures adopted were “appropriate” and “procedural and age appropriate accommodations”, and compliant with articles 12 and 21, and 13.

Issues and proceedings before the Committee

Consideration of admissibility

First, the Committee ascertained that the same matter has not already been examined by it and has not been or is not being examined under another procedure of international investigation or settlement, as required by [article 2(c) of the OP](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx).

Regarding inadmissibility for non-exhaustion of domestic remedies, the Committee noted the State’s arguments that the author has not exhausted all available domestic remedies as he did not to make an application under the DDA or the ADA to the Federal Court of Australia or the Federal Circuit Court within 60 days following the complaint process before the ACHR, and that the fee for filing such application is AUD $55 and that the federal circuit court may specify the maximum costs that can be recovered. It also notes the author’s arguments that:

(a) bringing a complaint before the AHRC and the ADB would have been futile because they cannot judicially review nor order remedies, and

(b) the State did not demonstrate how recurring to them would have constituted an effective remedy: similar cases were terminated due to lack of reasonable prospect of conciliation.

(c) There is no effective and reasonably accessible remedy under the DDA or ADA. While both prohibits discrimination on the basis of disability in specified areas of public life, DDA does not apply to her case and ADA do not include the issue of jury duty

(d) any attempt to bring a claim under the DDA or ADA would also fail on the basis of the domestic legislation and jurisprudence, preventing to obtain a maximum costs order.

The Committee recalled that it is not required to exhaust all available domestic remedies where “[their] application […] is unreasonably prolonged or unlikely to bring effective relief”. As it cannot be concluded that the author’s complaint under the ADA or DDA would have had a reasonable prospect of success providing with an effective remedy, article 2 (d) of OP does not preclude it from considering the communication.

Regarding inadmissibility due to failure to sufficiently substantiate claims, the Committee noted the State’s submission that claims under articles 2, 4, 5 and 9 of the CRPD should be inadmissible for lack of substantiation. The Committee considered that:

(a) Articles 2 and 4 do not in principle give rise to free-standing claims due to their general character and can only be invoked in conjunction with other substantive rights. Hence, claims under them are inadmissible under article 2(e) of the OP.

(b) Claims under articles 5 and 9 are sufficiently substantiated for the purpose of admissibility, and thus included them in the examination on the merits.

Regarding inadmissibility on the basis of *ratione materiae*, the Committee noted the author’s claim under article 12 that the she was denied her right to enjoy legal capacity on an equal basis with others due to the Sheriff’s refusal to provide her with steno-captioning. It also noted the Sheriff justified her refusal on the basis of section 48 of the Jury Act 1977 because introducing a non-jury person would compromise confidentiality of deliberations, and observed that the author’s legal capacity to perform jury duty was not questioned. The Committee concluded the claim was incompatible *ratione materiae* with article 12 of the CRPD and inadmissible under article 2(b) of its OP.

Finally, the Committee noted that the State has raised no objections to the admissibility of the author’s claims under articles 13, 21 and 29 of the CRPD.

Consequently, claims under Articles 5, 9, 13, 21 and 29 of the CRPD, were admitted, while claims under Articles 2, 4 and 12 were declared inadmissible, under article 2(e) of the OP.

Consideration of the merits

The Committee noted the author’s claim that the refusal to provide her with steno-captioning to perform jury duty constituted discrimination and denial of reasonable accommodation, being contrary to article 5(1) and (3) of the CRPD. It also the noted State’s submissions that the differential treatment provided for in the Jury Act is legitimate and not discriminatory and that it provides reasonable accommodation in line with the CRPD.

Denial of reasonable accommodation is a form of discrimination on the basis of disability (CRPD Article 2(3)). The Committee noted that, summoned three times to serve as a juror, the author explained to the Sheriff’s office that he would require steno-captioning to do so. Rejecting the author’s request, the Sheriff advised him to submit a medical certificate certifying that he is deaf to avoid a fine of $1,100 for failing with jury service. The Sheriff’s office also informed him that he could not perform jury duty because he is deaf basing the refusal to provide steno captioning on section 48 of the Jury Act 1977, considering that introducing a non-jury person would be incompatible with the confidentiality of jury deliberations. The Committee recalled that discrimination can result from the discriminatory effect of a rule that is neutral at face value or without discriminatory intent, but that disproportionately affects persons with disabilities. Article 5(1) requires States to ensure equal treatment and protection under the law and Article 5(3) to ensure that reasonable accommodation is provided to promote equality and eliminate discrimination.

The Committee recalled that although States enjoy a certain margin of appreciation when assessing the reasonableness and proportionality of an accommodation, such assessment must be thorough and objective before concluding that an adaptation measure would constitute a disproportionate or undue burden. In this case, the adjustments provided for people with hearing impairments would not enable the author to participate in a jury on an equal basis with others and the State did not provide any demonstration that the use the use of stenographers would constitute a disproportionate or undue burden. Further, the State party does not provide any argument justifying that no adjustment could be made to enable the use of stenographers to perform his/her functions without affecting the confidentiality of the deliberations of the jury such as a special oath before a court. Moreover, Auslan interpretation is a common accommodation, largely used by Australian deaf people in their daily life. The Committee considered that the State did not ensure reasonable accommodation and that the refusal to provide Auslan-interpretation or steno-captioning amounted to disability based discrimination, in violation of CRPD articles 5(1) and (3).

Regarding Article 9(1), the Committee recalled it requires States to “enable persons with disabilities to live independently and participate fully in all aspects of life”. Performance of jury duty is an important aspect of civic life within the meaning of article 9(1), as manifestation of active citizenship. According to the Committee’s general comment No. 2, the obligation to implement accessibility is unconditional and it is important to address it in all its complexity, encompassing also communication. Access should be ensured on an equal basis, in line with the prohibition of discrimination, and its denial should be considered a discriminatory act. In the present case, by refusing to provide steno-captioning, the State did not take measures to enable the author to perform jury duty preventing her participation in a clear “aspect of life”, in violation article 9(1) read alone and in conjunction with articles 2, 4, and 5 (1) and (3) of the CRPD.

Regarding Article 21, the Committee noted the State argument that the standard of “accepting and facilitating the use of sign languages” and other means of communication has been met in the case by the State of NSW and that article 21 obligations are to be achieved progressively, as well as the author’s contention that article 21 does not contain rights subjected to progressive implementation and that the measures by the State party were not adapted to his needs. Article 21(b) requires States to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including by accepting and facilitating different means and formats of communication in official interactions. CRPD Article 2 defines “communication” as “languages, and alternative modes, means and formats of communication", encompassing Auslan interpretation and steno-captioning. The Committee noted the author’s argument that a juror is a person holding a public responsibility in the administration of justice “in interactions with other persons” including other jurors, and judicial officers, which therefore constitute “official interactions” within the meaning of article 21. The Committee concluded that the refusal to provide the author with the format of communication she needed violated article 21 (b) read alone and in conjunction with articles 2, 4, and 5(1) and (3) of the CRPD.

On articles 13(1) and 29 of the CRPD, the State argued that the author’s claim was without merit because “effective access to justice” refers to accessibility to the justice system and “direct” and “indirect” participants would not encompass jury duties, and that “reasonable accommodation” does not apply to article 13. The author asserted that “direct and indirect participants” relate to individuals taking part to the legal system and that “reasonable accommodation” does apply. The Committee recalled that Article 13 requires States to ensure access to justice to persons with disabilities as “direct and indirect participants, in all phases of legal proceedings”, including through the provision of procedural and age appropriate accommodations. The performance of jury duty is an integral part of the Australian judicial system and constitutes a “participation” in legal proceedings. Article 29(b) requires States to “promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs”. This includes participation in the justice system in whatever capacity, including in jury service, on an equal basis with others. The Committee concluded not to providing steno-captioning violated article 13(1), read alone and in conjunction with articles 3, 5(1), and 29(b) of the Convention.

Conclusion

The Committee concluded that State has failed to fulfil its obligations under article 5(1) and (3); articles 9(1); 13(1) read alone and in conjunction with articles 3, 5(1) and 29(b), and 21, (b) read alone and in conjunction with articles 2, 4 and 5(1) and (3) of the Convention, and recommended to

(a) To provide the author with an effective remedy, including reimbursement of legal costs and compensation, and enable her participation in jury duty, providing her with reasonable accommodation in the form of Auslan-interpretation.

(b) To take measures to prevent similar violations in the future, including by carrying out a objective and comprehensive assessment of requests for adjustments to act as juror and providing reasonable accommodations, amending relevant laws, regulations and policies in close consultation with persons with disabilities and their representative organizations, and training public officials, the Sheriff, judicial officers and other staff involved.

1. This summary has been prepared by the International Disability Alliance. For more information on how to lodge individual communications under the Optional Protocol to the CRPD, visit [IDA’s disability rights litigation website.](http://www.internationaldisabilityalliance.org/es/node/105)  [↑](#footnote-ref-1)