

Access to the Criminal Justice System by Persons with Disability in Wolaita Zone, Ethiopia

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Abstract

According to the World Health Organization (WHO), there are 300 million people with disabilities in the world out of which 210 million (70 percent) live in developing countries. Apart from demographic reasons, the high prevalence of disability in poor countries shows the existence of causal relationship between poverty and disability. Disability is caused and aggravated by poor living condition, such as poor nutrition, lack of health and sanitation facilities and exposure to various forms of accident (WB XX). On the other hand, in poor countries, disability makes it difficult for people to get out of poverty. The main objective of the study was to ascertain a complete picture of the criminal legal services available to people with disabilities and to research possible improvements in the justice issues that affect people with disabilities. Samples of 89 respondents were taken from Wolaita zone using stratified random sampling with proportional allocation to size to select woredas. Both secondary as well as primary sources of data were used. From the descriptive statistics result, regarding level of availability of information on laws and regulations for persons with disabilities argue that difficult to obtain the information and concerning negatively impact on woman ability to physical access to the courts was position of court building take a lion share. The cross tabulation with Chi-square test was employed to analyze the data. The result of cross tabulation with Chi-square test show that age and sex have significantly associated with personal characteristics negatively impact on person's disability to access the courts at 5% level of significance.

Keywords: Access to justice, criminal justice, Disability, obstacles, physical access, Wolaita zone

Introduction

In the course of providing individual advocacy PWD(WA) has become increasingly concerned at the alarming numbers of people with intellectual disabilities, acquired brain injuries and psychiatric disabilities involved in the justice system through their 'offending' behaviour. In many cases, people with disabilities are not accessing appropriate legal services and support due to organizational barriers and the limited understanding of disability issues and individual needs by some in the justice sector. "People with an intellectual disability are more likely than their non-disabled counterparts to be charged with more serious offences. This is not to say that the actual offending behaviour of these two groups is different; merely that the recorded charge patterns are not the same. It is not clear to what extent people with an intellectual disability actually commit more serious offences, or whether other factors and, in particular, police discretion in charging are at work." (Cockram and Underwood, 1998).

According to the World Health Organization (WHO), there are 300 million people with disabilities in the world out of which 210 million (70 percent) live in developing countries.

Apart from demographic reasons, the high prevalence of disability in poor countries shows the existence of causal relationship between poverty and disability. Disability is caused and aggravated by poor living condition, such as poor nutrition, lack of health and sanitation facilities and exposure to various forms of accident (WB XX). On the other hand, in poor countries, disability makes it difficult for people to get out of poverty. The absence of rehabilitation centres, lack of (equal) access to education, employment and other services makes it particularly an uphill battle for PwDs to overcome livelihood challenges. Not surprisingly the most affected groups among the disabled are those that are in developing countries in general and women and children in particular.

Despite progress in recent year, there is still some doubt on the functionality of the legal and policy environment in setting the stage for giving full recognition to PwD.

The local policy environment in Ethiopia also reflects similar shortcoming when it comes to delivering the final products. The aspect of service delivery is also by far lagging behind from what it ought to be. (www.Inclusion-international.org)

According to the 1994 census Tigray region leads with high prevalence (2.8 percent) followed by Harari (2.23 percent) and Addis Ababa (2.18 percent). Disability focused surveys conducted one year after the census revealed more than 10 percent prevalence in the three most populous regions of the country (Tirusew et al 1995). According to this baseline, the prevalence in Oromia, Amhara and SNNP is estimated at 12.7, 14.0 and 16.8 percentages compared to the corresponding census figure of 2.80, 2.03 and 1.80 for the same regions respectively.

Depending on the 1994 census classification, out of the total 991,916 disabled persons 320,046 are visually impaired, 319,181 physically disabled, 190,220 hearing impaired, 64,284 mentally impaired, 34,390 leprosy patients, 31,866 multiple disabled and 31,935 are persons with other types of disabilities

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) aims to protect the rights and dignity of persons with disabilities. Parties to the Convention (including Ethiopia) are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities. The Convention was signed in 2007 and ratified by the Ethiopian House of Peoples' Representatives in June 2010.

The UNCRPD introduced the concept of 'reasonable accommodation'. This acknowledges that people with disabilities face many barriers and reasonable accommodation should be made to redress this. Reasonable accommodation involves providing the necessary and appropriate modification and adjustments, while 'not imposing a disproportionate or undue burden'. This reflects the fact that addressing *all* the barriers faced by people with disabilities requires a lot of resources that may not always be available. Nevertheless, there are a number of possible reasonable accommodations that providers could make. These include making existing facilities (such as health centers) accessible for people using crutches and wheelchairs, providing sign language interpretation, providing information in Braille, and so on. At a community level, you can help in making these changes.

Methodology

Description of study area and period

The study was carried out in Wolaita zone. It is found in temperate region of South Nationalities and Peoples (SNNP) regional state.. Sodo town capital town of Wolaita zone which is located (54⁰N latitude and 380⁰ S longitude) and 396km south of Addis Ababa and 130km from regional town Hawassa. The zone consists of 3 towns and 12 woredas.

Study Design

The research design was qualitative as well as quantitative research design can be employed.

Source of population

The possible respondents found in Wolaita zone. The Study Subjects were 89 respondents purposively selected from woredas from the source population were the study subjects of this study.

Sample Size Determination

The sample size can be determined by employing Solven method with margin of error 5%. It is given by:

$$n = \frac{N}{1 + Ne^2}$$

where:

N is total population

n is sample size determined

e is margin of error with 0.05

Based on the above formula, *n* can be calculated as follow:

$$n = \frac{N}{1 + Ne^2} = \frac{115}{1 + 115(0.05)^2} = 89$$

Sampling procedure was a simple random sampling technique was employed to select the respondents.

Variables Identification

Dependent variable: For study purpose the dependent variable can be personal characteristics impact on a person's with disability to access the courts

The Explanatory Variables: The predictors' variables may include age, sex, level of education, etc.

Data Collection Methods

Both primary as well as secondary data were used the structured questionnaire was prepared for quantitative method, while semi-structured questionnaire was designed for the qualitative method.

Data Entry and Analysis

Data entry and cleaning were carried out using statistical soft ware package SPSS version 16.0 for the analysis. Descriptive statistics analysis was used to show the frequency distribution and its results were presented by tables as well as graphs. Test of association were also performed to look at the association between the independent variables and dependent variable.

Results and discussions

From table 1 the median age of students interviewed was 23 years, ranging from age 19 to 28 years. Age group more than 28 years was more than 50% which account 47(52.8%) study subjects, followed by 19-28 years accounting 42(47.2%). From table 2, regarding their sex, 33(37.1%) of them were males and only 56(62.9%) of them were females during the study period.

Table 1. Age of respondents

		Age category of respondent			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	19-28 Years	42	47.2	47.2	47.2
	More than 28 years	47	52.8	52.8	100.0
	Total	89	100.0	100.0	

Table 2. Sex of respondents

		sex of respondent			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	33	37.1	37.1	37.1
	Female	56	62.9	62.9	100.0
	Total	89	100.0	100.0	

From table 3, regarding level of education of respondents account 63(70.8%) was Diploma and 26(29.2%) was Degree, respectively.

Table 3. Level of education

		level of education			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Diploma	63	70.8	70.8	70.8
	Degree	26	29.2	29.2	100.0
	Total	89	100.0	100.0	

Table 4. Justice system to be affordable for persons with disabilities

		Justice system to be affordable for persons with disabilities			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Never	1	1.1	1.1	1.1
	Seldom	23	25.8	25.8	27.0
	Sometimes	65	73.0	73.0	100.0
	Total	89	100.0	100.0	

Based on table 4, most respondents argue that justice system to be affordable for persons with disabilities regarding accessibility fall under sometimes category consists of 65(73.0%) followed by seldom category account 23(25.8%), respectively. Regarding this result justice system affordable sometimes for persons with disabilities.

Table 5. level of availability of information on laws and regulations for persons with disabilities

		level of availability of information on laws and regulations for persons with disabilities			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very difficult to obtain	9	10.1	10.1	10.1
	Difficult to obtain	50	56.2	56.2	66.3
	Obtainable	30	33.7	33.7	100.0
	Total	89	100.0	100.0	

From table 5, regarding level of availability of information on laws and regulations for persons with disabilities argue that difficult to obtain account more than 50% that is 50(56.2%) and obtainable share 30(33.7%), respectively. From this result, especially on access to information on laws and regulations for

persons with disabilities difficult to obtain as well as access the information regarding laws and regulations.

Table 6. Personal characteristics negatively impact on person's ability to access the courts

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Age	9	10.1	10.1	10.1
Economic status	17	19.1	19.1	29.2
Gender	21	23.6	23.6	52.8
Disability	42	47.2	47.2	100.0
Total	89	100.0	100.0	

Regarding table 6, respondents opinion which personal characteristics negatively impact on person's ability to access the courts were disability which account 42(47.2%) considered as a lion share followed by gender share 21(23.6%), respectively. Based on this result most personal characteristics negatively impact was disability to access the courts.

Table 7. physical accessibility of the court's

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Difficult	49	55.1	55.1	55.1
Neither	40	44.9	44.9	100.0
Total	89	100.0	100.0	

Table 7 indicate that physical accessibility of the courts was difficult which is 49(55.1%) followed by neither account 40(44.9%), respectively. This result suggests that concerning physical accessibility of the courts in study area was under difficult categorization.

Table 8. negatively impact on a woman ability to physical access the courts

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Position of court building	49	55.1	55.1	55.1
access to information	17	19.1	19.1	74.2
Associated costs	23	25.8	25.8	100.0
Total	89	100.0	100.0	

From table 8, concerning negatively impact on woman ability to physical access to the courts was position of court building sharing 49(55.1%) and associated costs account 23(25.8%), respectively. From the above result, access to disability persons regarding physical access was positioning of the court.

Table 9. significant obstacles for persons with disabilities

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid outside legal services too expensive	13	14.6	14.6	14.6
Access to information in minority languages not available	46	51.7	51.7	66.3
Physical access to the court too hard	30	33.7	33.7	100.0
Total	89	100.0	100.0	

Depending on table 9, significant obstacles for persons with disabilities was access to information in minority languages not available which share more than 50% of the total share followed by physical access to the court too hard take the second position, respectively. Regarding the result, almost all respondent argue that their main problem or obstacles for disabilities was access to information in minority languages not available.

Table 10. Chi-Square Tests for sex

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	12.436 ^a	3	.0487
Likelihood Ratio	2.507	3	.474
Linear-by-Linear Association	.095	1	.758
N of Valid Cases	89		

Table 11. Chi-Square Tests for age

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.178 ^a	3	.0458
Likelihood Ratio	1.179	3	.758
Linear-by-Linear Association	.023	1	.880
N of Valid Cases	89		

Table 10 and 11 result reveals that explanatory variables age, and sex were statistically significantly associated with personal characteristics negatively impact on a person's disability access to the courts since all above mentioned explanatory variables p-value less than 0.05.

Table 12. Chi-Square Tests for level of education

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.690 ^a	3	.082
Likelihood Ratio	8.976	3	.030
Linear-by-Linear Association	.008	1	.930
N of Valid Cases	89		

From table 12 the result reveals that level of education was statistically significantly associated with personal characteristics negatively impact on a person's disability access to the courts since p-value less than 0.05.

Conclusions

- level of availability of information on laws and regulations for persons with disabilities are difficult to obtain.
- Significant obstacles for persons with disabilities was access to information in minority languages were not available.
- Concerning negatively impact on woman ability to physical access to the courts was position of court building takes a lion share.

Recommendations

- The concerned body has to set affordable access for persons with disabilities
- The stalk holders should put the availability of information on laws and regulations for persons with disabilities
- The concerned body has to facilitate access to information in minority languages.

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