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February 14, 2018

Mr. Raj Nath Singh  
Minister of Home Affairs  
Government of India  
New Delhi



HRW.org

Re: Sexual violence against women and girls  
with disabilities

Dear Minister Singh,

I am writing on behalf of Human Rights Watch to inform you of the upcoming release of a report on access to justice for women and girls with disabilities who are victims of sexual violence, and to offer your office an opportunity to respond to our findings.

This report, focused on girls and women with disabilities, follows our November 2017 report, *“Everyone Blames Me”: Barriers to Justice and Support Services for Sexual Assault Survivors in India*, which examined the challenges women and girls face while trying to seek justice, health care, counselling, and legal aid after they suffer rape or sexual assault.<sup>1</sup>

We found that there was significant progress at the policy level, particularly due to the legal and policy reforms that followed the fatal 2012 gang rape in New Delhi. However, Human Rights Watch found that promised changes are still falling far short of being realized, with women and girls who survive rape and other sexual violence often suffering humiliation at police stations and hospitals.

For women and girls with disabilities, the challenges are even greater. The Criminal Law (Amendment) Act, 2013 (the 2013 amendments) includes a number of provisions to safeguard the rights of women and girls with disabilities, and enable their participation in investigative and judicial processes.<sup>2</sup> Our research suggests, however, that despite significant progress, the accommodations needed to support survivors are yet to be properly developed and

<sup>1</sup> Human Rights Watch, *“Everyone Blames Me”: Barriers to Justice and Support Services for Sexual Assault Survivors in India*, November 2017, <https://www.hrw.org/report/2017/11/08/everyone-blames-me/barriers-justice-and-support-services-sexual-assault-survivors>

<sup>2</sup> The Criminal Law (Amendment) Act, 2013, No. 13 of 2013, <http://indiacode.nic.in/acts-in-pdf/132013.pdf> (accessed February 16, 2017).

implemented with requisite trainings and reforms throughout the criminal justice system.

One of the issues we documented are the unique barriers to reporting crimes that women and girls with disabilities face because they may require procedural and age-appropriate accommodations, including distinct types of support depending on their disabilities. However, all too often, this support is not available, even though these provisions are mandated under both the 2013 amendments and the 2012 Protection of Children from Sexual Offences Act. Human Rights Watch found that most police personnel do not have the training or expert support needed to handle these cases.

In some cases, Human Rights Watch also found that women and girls were excluded from accommodations because of their inability to certify a disability, while in other cases police failed to include specific details in the First Information Report (FIR). Lack of documentation in police reports precludes women and girls with disabilities from receiving specific need-based support from the police and judiciary.

Another challenge is the lack of information among women and girls with disabilities and their families about their legal rights, including the right to legal representation, prevents many from advocating for their needs. Human Rights Watch found that police rarely provide information on right to free legal aid or legal aid services to survivors or their families.

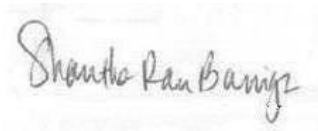
We would like to obtain the ministry's answers to the following questions:

1. What, according to the ministry, are the biggest challenges when it comes to girls and women with disabilities reporting sexual offenses?
2. What are the ministry's priorities toward easing the path to justice for girls and women with disabilities who have been victims of sexual violence?
3. What steps has the ministry taken to ensure that training programs for police officers include the rights of survivors with disabilities in cases of sexual violence? Could you please provide specific details of any such training, and any circulars that the ministry may have issued?
4. What has been done to ensure that information concerning the disability of a woman or girl is recorded in the FIR, whether or not she is able to produce a disability certificate?
5. What steps have been taken to ensure that police have access to special educators who can provide support in engaging with women and girls with disabilities who are victims of sexual violence and reporting their testimony? Could you please provide the number of special educators available by state?
6. What measures have been taken to increase the number of women police officers, who are sensitized to the rights and particular needs of women and girls with disabilities?

7. How do police stations provide accessible information to women and girls with disabilities about their rights in cases of sexual violence? Could you please provide specific information for any initiatives or programs that have been undertaken, any circulars that may have been issued to various states?

We will be grateful if you could provide your answers and any additional comments on our findings by March 8, 2018, to give us an opportunity to incorporate them in our report. Please do not hesitate to contact me via email at [barrigs@hrw.org](mailto:barrigs@hrw.org) or phone at +1-212-216-1823.

Thank you for your consideration.  
Sincerely,

A handwritten signature in black ink that reads "Shantha Rau Barriga". The signature is written in a cursive style and is positioned above the typed name.

Shantha Rau Barriga  
Director, Disability Rights  
Human Rights Watch