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February 14, 2018

Honorable Minister Maneka Gandhi
Ministry of Women and Child Development
Government of India
New Delhi



HRW.org

Re: Sexual violence against women and girls
with disabilities

Dear Minister Gandhi,

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, legal aid, and compensation after they suffer rape or sexual assault.¹

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.² Our research suggests, however, that despite significant progress, the accommodations needed to support survivors are yet to be properly developed and

¹ 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>

² 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 main 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. We found that most police do not have the training or expert support needed to handle these cases, and that lack of documentation of disabilities 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.

Human Rights Watch also found that the failure among medical professionals to adequately explain medical tests and procedures and ensure that women and girls with disabilities are comfortable with the process may add to the trauma of sexual violence.

Furthermore, Human Rights Watch found that the trauma of attending court proceedings may be heightened for women and girls with disabilities because of challenges in navigating spaces that are often inaccessible; and if legal processes are not explained by lawyers and judicial officers in a manner that is accessible to them.

Finally, even though Indian law and policies require all state governments to facilitate compensation, Human Rights Watch found that even in cases of extreme violence, trauma and economic hardship as a result of childbirth, women and girls with disabilities had difficulties in securing compensation by the court or the Criminal Injuries Compensation Board.

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

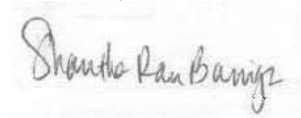
1. What, according to the ministry, are the biggest challenges when it comes to access to justice and support services for girls and women with disabilities who have been victims of sexual violence?
2. What are the ministry's priorities toward easing the path to justice for girls and women with disabilities who have been victims of sexual violence?
3. What measures has the ministry taken to increase public awareness among women and girls with disabilities and their families about their rights and the procedures for accessing justice in cases of sexual abuse?

4. What has been done to ensure that this information is available in accessible formats?
5. What steps have been taken to make sure that Child Welfare Committees are equipped to meet the needs of girls with disabilities who are victims of sexual violence?
6. What measures has the ministry taken to ensure that one-stop crisis centers are properly equipped and accessible to women and girls with disabilities, including through training for staff and medical professionals?
7. What measures has the ministry taken to ensure that all states adopt the minimum amount mandated by the central government for compensation for victims of rape? And that the amount is disbursed in a timely manner?
8. What steps have been taken to make shelter homes and short stay homes for women survivors and women in distress accessible for girls and women with disabilities?
9. What measures has the ministry taken to encourage states to adopt the Ministry of Health and Family Welfare's 2014 *Guidelines and Protocols for Medico-Legal Care for Survivors/ Victims of Sexual Violence* and implement provisions specific to the needs of woman and girls with disabilities?
10. What measures has the ministry taken to provide funding under the Nirbhaya fund to cover the costs of accessibility and reasonable accommodation for women and girls with disabilities?

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 or phone at +1-212-216-1823.

Thank you for your consideration.

Sincerely,



Shantha Rau Barriga
Director, Disability Rights
Human Rights Watch