February 14, 2018

Mr. Jagat Prakash Nadda
Minister of Health and Family Welfare
Government of India
New Delhi

Re: Sexual violence against women and girls with disabilities

Dear Minister Nadda,

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.¹

A key reform to assist survivors of gender-based violence has been the 2014 Guidelines and Protocols for Medico-legal Care for Survivors/Victims of Sexual Violence issued by the ministry to standardize healthcare professionals’ examination and treatment of sexual assault survivors. The guidelines integrate processes geared to respect women’s and children’s rights to privacy, dignity, creating a non-threatening environment, and informed consent.

However, since health care in India is the responsibility of state governments, health rights groups say that until now, only nine states have adopted the guidelines.

The Guidelines include requirements for the medical examination of women and girls with disabilities such as providing necessary accommodations (including a “special educator”) to take consent and medical histories. Our research suggests, however, that despite

significant progress, the accommodations needed to support survivors are yet to be properly developed and implemented with requisite trainings and reforms.

Human Rights Watch found that the failure by 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.

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

1. What measures has the ministry taken to encourage states to adopt the 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? Could you please share specific details of any workshops that you organized or circulars or notices issued toward this goal?
2. What kind of monitoring mechanism has been put in place to ensure the Guidelines are properly implemented once adopted by a state?
3. What measures have you taken to train healthcare professionals in the Guidelines, including to provide adequate accommodations to women and girls with disabilities?
4. What steps have been taken to ensure that special educators and sign language interpreters are appointed in hospitals and medical centers?
5. What public information measures are taken to ensure that victims of gender-based violence, especially persons with disabilities, know about the Guidelines?
6. What measures have you taken to ensure that government hospitals are accessible to 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