



**Women Enabled International**  
**Submission to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary**  
**Executions:**

**Report on the use of lethal force by law enforcement officials on persons with psychosocial, intellectual or developmental disabilities**

*February 15, 2019*

[Women Enabled International](http://www.womenenabled.org) (WEI) thanks the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions (Special Rapporteur) for the opportunity to contribute to her forthcoming report on the use of lethal force by law enforcement officials on persons with psychosocial, intellectual, or developmental disabilities. WEI works at the intersection of women's rights and disability rights to advance the rights of women and girls with disabilities around the world. Working in collaboration with women with disabilities rights organizations and women's rights organizations Globally, WEI fosters cooperation across movements to increase international attention to and strengthen human rights standards on issues such as violence against women, sexual and reproductive health and rights, access to justice, education, legal capacity, and humanitarian emergencies.

Law enforcement and other state officials frequently hold negative or stereotyped views about persons with disabilities, particularly persons with psychosocial, intellectual, or developmental disabilities, that may influence their actions towards these groups. For women and girls<sup>1</sup> with disabilities, these reactions may also be complicated by gender biases and stereotypes, which may further make law enforcement and other state officials perceive them as dangerous, untrustworthy, or uncooperative. These gender and disability stereotypes can heighten the risk that women with disabilities will be exposed to violence, including killings, at the hands of state authorities, including in encounters with law enforcement and also in prisons, jails, and institutions.

This submission will highlight how gender and disability-related discrimination and stereotypes can lead to extrajudicial, summary, or arbitrary killings of women with disabilities—particularly intellectual, psychosocial, or developmental disabilities—by law enforcement or in state-run institutions. Noting that there is a significant lack of data on killings of women with disabilities in these contexts, this submission will outline some individual cases and instances and will also highlight gaps in standards with relation to gender in policing and other guidance on interactions with persons with disabilities. Due to the availability of information on this topic in the United States of America (U.S.), this submission will substantially focus on issues in the U.S. but will also draw on examples from other countries when available. This submission will conclude with a short set of recommendations to the Special Rapporteur for her to consider as part of her report on the use of lethal force by law enforcement officials on persons with psychosocial, intellectual or developmental disabilities.

**I. Gender, Disability, and Killings by Law Enforcement**

Women with disabilities are more likely to come into contact with law enforcement than are other women. For instance, although women with disabilities account for only about 16% of all

women in the U.S.,<sup>2</sup> according to the U.S. Bureau of Justice Statistics, 40 percent of women prisoners reported having a disability.<sup>3</sup> The number in jails is even higher, as nearly half (49 percent) of the women have disabilities.<sup>4</sup> (Note that jails are usually run by local authorities and are meant for short-term incarceration while an individual is awaiting trial or serving a short sentence, while prisons are usually run by states or the federal government and are designed for longer-term incarceration.) In Australia, race, gender, and disability intersect to increase the likelihood that Aboriginal women with disabilities will have contact with police throughout their lives. Indeed, these women are 21 times more likely to be incarcerated than non-Aboriginal Australians.<sup>5</sup>

Women with disabilities in prisons and jails are at significant risk of gender-based violence and abuse, including by prison staff,<sup>6</sup> thus increasing their susceptibility to killings by law enforcement or other deaths while in state custody. For instance, in the U.S., estimates indicate that at least 13 percent of inmates have been sexually assaulted, and many have experienced repeated assaults.<sup>7</sup> Women with disabilities in Australian prisons are also subjected to violent and unnecessary “control” tactics by prison staff—such as holding them down and stripping them naked—even when they have a well-documented history of sexual violence or during mental health crises, increasing their risk of trauma and re-traumatization and also of injury or death.<sup>8</sup> Furthermore, most prison staff are not adequately trained to prevent or respond to inmate sexual assaults, and prison rape often goes unreported and untreated.<sup>9</sup> For instance, in a report on the situation of persons with disabilities in Australian prisons, Human Rights Watch documented that incarcerated women with disabilities are subjected to sexual violence, including by both other prisoners and prison staff, but very few of these violations were reported due to shame or fear of retaliation.<sup>10</sup>

While in custody, women with disabilities are often deprived of medical care, as well as other supports and services related to their disability,<sup>11</sup> even as compared to men with disabilities.<sup>12</sup> This is significant, because women generally suffer significant distress when imprisoned, particularly when placed in isolation or other higher-security settings, which can exacerbate existing mental health problems that require supports and interventions to prevent self-harm or detect other abuse and violence.<sup>13</sup> For instance, the United Kingdom, the death rate of women in prisons has increased in recent years, due in large part to the lack of access to needed mental health interventions and services.<sup>14</sup>

Gender-biased policing also poses a significant problem for women, including women with disabilities, when interacting with law enforcement outside of prisons and jails. The U.S. Department of Justice in 2015 guidelines on eliminating gender-biased policing in cases of sexual assault and domestic violence noted that police officers sometimes discriminate against victims in these cases because of a general or unconscious bias or stereotypes about women.<sup>15</sup> These include stereotypes about why women are sexually assaulted (blaming the victim), or about how victims of sexual assault should behave.<sup>16</sup> Although these Department of Justice guidelines on gender-biased policing do not address the specific situation of women with disabilities, the former Special Rapporteur on Violence against Women, Rashida Manjoo, in her 2012 report on violence against women with disabilities found that women with disabilities are treated differently by law enforcement, due to their gender and disability. Indeed, Manjoo found that women with disabilities are less likely to be believed when reporting violence, a situation

that opens them up to further violence in all spheres, including at the hands of law enforcement officials themselves, as perpetrators believe they can act with impunity.<sup>17</sup> A report by Human Rights Watch on the institutionalization of women with disabilities in India also documented that police may use force on women with disabilities when they pick these women up to be placed in institutions.<sup>18</sup> Because women with disabilities are more likely to be institutionalized than men with disabilities in India,<sup>19</sup> such confrontations with the police are likely more common for women with disabilities.

Furthermore, disability-biased policing—which may assume that some persons with disabilities are dangerous, uncooperative, or untrustworthy—also has a significant impact on women with disabilities, though both gender and disability are rarely considered together in these cases. For instance, a 2016 report by the U.S. Department of Justice on the police department of the City of Baltimore found that officers used excessive force against people with intellectual or mental disabilities, noting that officers “end up in unnecessarily violent confrontations with these vulnerable individuals.”<sup>20</sup> A report by the Ruderman Family Foundation on police violence and disability in the U.S. concluded that, in media representations of killings of disabled individuals, “disability goes unmentioned or is listed as an attribute without context,” impairments are “used to evoke pity or sympathy,” and disability is “used to blame victims for their deaths,” although some representations of disability do offer a more contextual view of extrajudicial killings of disabled individuals.<sup>21</sup> The report further noted that “[d]isability intersects with other factors such as race, class, gender, and sexuality, to magnify degrees of marginalization and increase the risk of violence.”<sup>22</sup>

The more frequent interactions with law enforcement that women with disabilities experience, combined with gender- and disability-biased policing, may impact law enforcement’s use of potentially lethal force against women with disabilities. However, data does not exist that fully documents the problem of police killings generally, and by extension, there is a lack of much-needed data on deaths of women with disabilities as a result of encounters with police.<sup>23</sup> Where data does exist on police killings, it often does not take into account the disability and/or gender of the victim. For instance, a report by the radio station KQED in San Francisco found that, from 2005 to 2013, 58% of police killings were of people with psychosocial disabilities, but the reporters failed to document the gender of the victims.<sup>24</sup> In India, a 2017 report from the National Human Rights Commission documented 108 total deaths as a result of encounters with police but did not track either the gender or the disability status of the victims.<sup>25</sup>

The adjudication and media reporting on individual cases of deaths or the lethal use of force resulting from encounters with police shows that, in practice, law enforcement officials may fail to consider gender or disability in their interactions with women with disabilities, and courts also fail to take these factors into account.

- For instance, in a case adjudicated by the U.S. Supreme Court in 2015, police shot a woman named Teresa Sheehan in her group home for persons with psychosocial disabilities, following a complaint from a social worker.<sup>26</sup> Despite the fact that Sheehan was living in a group home for persons with disabilities, the police officers failed to recognize or take precautions to accommodate her disability during her arrest and instead barged through her door, where she threatened them with a knife, and then opened fire on her.<sup>27</sup> The U.S. Supreme Court found that the police officers involved in the killing were

entitled to qualified immunity from prosecution, because officers were permitted to enter her home without a warrant in what was classified as an emergency situation.<sup>28</sup> The Court did not consider whether Sheehan was entitled to reasonable accommodations during her arrest under the Americans with Disabilities Act, because the petitioners in this case failed to brief this argument,<sup>29</sup> and this remains an outstanding question in U.S. law.<sup>30</sup>

- Furthermore, in a case adjudicated by the courts of the U.S. state of California in 2017, a woman with a psychosocial disability named Alesia Thomas was killed by a police officer while handcuffed, because that officer perceived Thomas's size and strength as a threat and thought she was "under the influence of a central nervous system stimulant..."<sup>31</sup> The courts adjudicating this case did not address Thomas's gender or disability in their assessment of her case; however, the police officer who killed Thomas was ultimately convicted of that crime.<sup>32</sup>
- In the 2015 case of Sandra Bland, who died in police custody in the U.S. state of Texas following a traffic stop and arrest for assaulting a police officer, police officers failed to take into account that Bland had a history of depression. Although Bland's family was awarded a settlement by the state following her death in custody, a grand jury failed to indict the officer who was involved in her death.<sup>33</sup>

Finally, although several police departments in the U.S. have guidelines related to interactions with persons with disabilities, these rarely include consideration of gender.<sup>34</sup> Indeed, a set of examples and resources issued by the U.S. Department of Justice in 2017 on ensuring disability rights as part of law enforcement failed to mention women with disabilities or gender as part of this guidance.<sup>35</sup> One notable exception to this is the City of Cleveland in the U.S. state of Ohio, which following an investigation and report from the U.S. Department of Justice, established a police use of force training program that requires officers to take into account in interactions with individuals such factors as "known or reasonably apparent mental illness, developmental disability, or crisis incident," "known or reasonably apparent physical disability or other medical/physical condition," and differences between the officer and the subject of the proposed force, including gender, body size, and relative strength.<sup>36</sup> It is unclear whether this training program addresses the intersection of gender and disability as part of the training; however, the fact that the training includes both disability and gender components is encouraging.

## **II. Gender, Disability, and Killings in Institutions**

Women with disabilities are also susceptible to violence at the hands of staff and state officials while confined to state-run institutions, including psychiatric hospitals and long-term residential care homes.<sup>37</sup> In some contexts, women with disabilities are more likely to be institutionalized than men, due to the perception that they contribute less to households than men, including men with disabilities, and cannot fulfill the discriminatory gender stereotyped roles as mothers and caregivers.<sup>38</sup> Once institutionalized, women with disabilities often lack recourse for violence committed against them and are also frequently subjected to forced or coerced medical interventions, including reproductive health interventions.<sup>39</sup>

For instance, in India, women with disabilities can be institutionalized without their consent and often without recourse to challenge this institutionalization,<sup>40</sup> and may be more susceptible to institutionalization because of disempowerment within their families.<sup>41</sup> Human Rights Watch has

documented that institutionalized women with disabilities—particularly intellectual and psychosocial disabilities—are subjected to forced medical interventions and physical, sexual, and verbal violence at the hands of institution staff.<sup>42</sup> In particular, Human Rights Watch noted that “physical and verbal abuse is an everyday occurrence in every state-run institution and mental hospital Human Rights Watch visited, ...”<sup>43</sup> If these institutionalized women with disabilities are able to make complaints about this treatment, however, those complaints are rarely filed with police or other authorities. Indeed, Human Rights Watch documented only one case of reported abuse where a First Information Report was filed with police, and none of the women were able to access redress mechanisms following abuse.<sup>44</sup> Most of the women Human Rights Watch interviewed were not even aware of redress mechanisms.<sup>45</sup>

In Serbia, institutionalized women with intellectual or psychosocial disabilities also encounter violence and abuse at the hands of staff and other persons confined within state-run facilities but face similar barriers to reporting this violence.<sup>46</sup> While there are protocols in place on how to prevent and respond to violence in social care institutions in Serbia—which include an internal team for prevention of violence—the policies in place are not being implemented in practice.<sup>47</sup> Names of the members of the team and their phone numbers are not put in visible places in the institution, women with disabilities are not informed about the existence of the team, and the number of complaints that have been filed is negligible.<sup>48</sup> This leaves women without any complaint and appeal mechanism and without any possibilities for redress and adequate support. Furthermore, institutionalized women with disabilities in Serbia are subjected to non-consensual reproductive health interventions, including forced cancer screenings under anesthesia, forced use of contraceptive pills and insertion of intrauterine devices for contraceptive purposes, and, in some instances, forced abortion.<sup>49</sup> Current Serbian law states that health care providers do not need to obtain informed consent of a person who is deprived of legal capacity and placed under guardianship,<sup>50</sup> a situation that is common for institutionalized women with disabilities.<sup>51</sup>

### **III. Conclusions and Recommendations**

As this submission has illustrated, law enforcement and other killings of women with intellectual, psychosocial, or developmental disabilities while in state custody or control are under-documented, and when these killings do occur, the disability status of the woman is rarely taken into account. Evidence indicates that many law enforcement or other state officials hold stereotypes about both women and persons with disabilities that impact the way they interact with these groups. For women with disabilities, these biases intersect to increase their vulnerability to violence in all spheres, including at the hands of police or in state-run institutions.

States can and should do more to address how gender and disability intersect to increase the vulnerability of women with disabilities to law enforcement and other killings by state officials while in state custody. We hope the Special Rapporteur will make the following recommendations to states to address these concerns:

- Develop guidelines to tackle gender-biased and disability-biased policing and intersectional discrimination on the basis of both gender and disability, in consultation with women with disabilities, and ensure that specific biases and stereotypes related to

women with disabilities are addressed in these guidelines and in trainings that result from these guidelines.

- Keep data on law enforcement and other state killings that is disaggregated by gender and disability, among other factors.
- Establish and reinforce protocols for assessing the disability status of all persons, particularly women, when taken into custody in prisons or jails.
- In the event of law enforcement-related killings or other deaths while in custody of women with disabilities, investigate the degree to which disability and/or gender biases, stereotypes, and discrimination played a role in those deaths.
- Ensure that women with disabilities who are confined to jails, prisons, and institutions have access to services, particularly services related to health and to gender-based violence, and that information about gender-based violence and redress mechanisms are available in accessible formats and provided to women with disabilities confined in these settings.
- End forced institutionalization of persons with disabilities and instead provide non-custodial services, including health care, housing, education, employment, and social protection, and supports, including decision-making and caregiving supports, to allow persons with disabilities to live and participate in the community.

Thank you for your time and attention to this submission. Please do not hesitate to contact Women Enabled International's President and Executive Director, Stephanie Ortoleva ([president@womenenabled.org](mailto:president@womenenabled.org)) and Director of U.N. Advocacy, Amanda McRae ([a.mcrae@womenenabled.org](mailto:a.mcrae@womenenabled.org)) if you have any questions or require further information.<sup>52</sup>

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<sup>1</sup> For purposes of this submission, WEI will use the term “women” to refer to all women and girls throughout the lifecycle, unless otherwise noted.

<sup>2</sup> This calculation is based on an estimate from the Centers for Disease Control that there are 27 million women with disabilities in the U.S., as well as the total population of women in the U.S. provided by the U.S. census bureau (approximately 165 million). See United States Census Bureau, *Quickfacts*, <https://www.census.gov/quickfacts/fact/table/US/LFE046217>; Centers for Disease and Control and Prevention, *Women with Disabilities* (2018), <https://www.cdc.gov/ncbddd/disabilityandhealth/women.html>.

<sup>3</sup> U.S. Department of Justice Bureau of Justice Statistics, *Disabilities Among Prison and Jail Inmates, 2011–12, 2015*, Figure 1, (Dec 2015), <https://www.bjs.gov/content/pub/pdf/dpji1112.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> Elizabeth McEnty, *How Aboriginal women with disabilities are set on a path into the criminal justice system*, THE CONVERSATION (Nov. 2, 2015), <https://theconversation.com/how-aboriginal-women-with-disabilities-are-set-on-a-path-into-the-criminal-justice-system-48167>.

<sup>6</sup> U.N. General Assembly, *Report of the Special Rapporteur on violence against women, its causes and consequences*, para. 50, U.N. Doc. A/67/227 (2012); Joaquin Sapien, “Guards May Be Responsible for Half of Prison Sexual Assaults,” PROPUBLICA, Jan. 23, 2014, <https://www.propublica.org/article/guards-may-be-responsible-for-half-of-prison-sexual-assaults>.

<sup>7</sup> Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, 117 Stat. 972, 42 U.S.C. §§ 15601 (Sept. 4, 2003).

<sup>8</sup> HUMAN RIGHTS WATCH, “I NEEDED HELP, INSTEAD I WAS PUNISHED”: ABUSE AND NEGLECT OF PRISONERS WITH DISABILITIES IN AUSTRALIA 33-34 (2018), <https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities#>.

<sup>9</sup> Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, 117 Stat. 972, 42 U.S.C. §§ 15601-609 (Sept. 4, 2003).

<sup>10</sup> HUMAN RIGHTS WATCH, “I NEEDED HELP, INSTEAD I WAS PUNISHED”: ABUSE AND NEGLECT OF PRISONERS WITH DISABILITIES IN AUSTRALIA 30-31 (2018), <https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities#>.

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- <sup>11</sup> Center for American Progress, *Disabled Behind Bars: The Mass Incarceration of People with Disabilities in America's Jails and Prisons* 2 (July 2016), <https://cdn.americanprogress.org/wp-content/uploads/2016/07/18000151/2CriminalJusticeDisability-report.pdf>.
- <sup>12</sup> AVID Prison Project, *Locked Up and Locked Down: Segregation of Inmates with Mental Illness* 30-31 (Sept. 2016), <http://avidprisonproject.org/>; Rebecca Vallas, “Nearly Half of All Women in Jail are Disabled,” *THE NATION*, July 19, 2016, <https://www.thenation.com/article/nearly-half-of-all-women-in-jail-are-disabled/>.
- <sup>13</sup> United Nations Office on Drugs and Crime, *Handbook for prison managers and policymakers on Women and Imprisonment* 7 & 31 (2008), <https://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf>.
- <sup>14</sup> Annie Bartlett & Sheila Hollins, *Challenges and mental health needs of women in prison*, 212 *THE BRITISH J. OF PSYCHIATRY* 134-136 (March 2018), <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/challenges-and-mental-health-needs-of-women-in-prison/CC806EAA2511BB16E5C823943476FDBE/core-reader>.
- <sup>15</sup> U.S. Dep’t of Justice, *Gender biased policing, Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence* 7 (2016), <https://www.justice.gov/opa/file/799366/download>; see also U.S. Dep’t of Justice, *Investigation of the Baltimore City Police Department: Executive Summary* 8 (Aug. 10, 2016), <https://www.justice.gov/crt/file/883371/download> (noting indications of gender bias in sexual assault investigations).
- <sup>16</sup> U.S. Dep’t of Justice, *Gender biased policing, Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence* 7 (2016), <https://www.justice.gov/opa/file/799366/download>.
- <sup>17</sup> U.N. General Assembly, *Report of the Special Rapporteur on violence against women, its causes and consequences*, paras. 42, 59, 60, 62, U.N. Doc. A/67/227 (2012).
- <sup>18</sup> HUMAN RIGHTS WATCH, “TREATED WORSE THAN ANIMALS”: ABUSES AGAINST WOMEN AND GIRLS WITH PSYCHOSOCIAL OR INTELLECTUAL DISABILITIES IN INSTITUTIONS IN INDIA (2014).
- <sup>19</sup> See, e.g., CREA, *count me IN!: Violence against disabled, lesbian, in sex-working women in Bangladesh, India, and Nepal* (2012), <http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>.
- <sup>20</sup> U.S. Dep’t of Justice, *Investigation of the Baltimore City Police Department: Executive Summary* 7 (Aug. 10, 2016), <https://www.justice.gov/crt/file/883371/download> (noting indications of gender bias in sexual assault investigations).
- <sup>21</sup> Ruderman Family Foundation, *The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability* 1 (March 2016), [http://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability\\_final-final.pdf](http://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability_final-final.pdf).
- <sup>22</sup> *Id.*
- <sup>23</sup> A 2015 report by the Treatment Advocacy Center notes that “More than a half-dozen federal databases tasked with tracking and/or reporting the number of fatal law enforcement encounters in the U.S. have been developed in recent decades, but not one exists that produces complete and reliable statistics.” (Treatment Advocacy Center Office of Research and Public Affairs, *Overlooked in the Undercount: The Role of Mental Illness in Fatal Law Enforcement Encounters* 1 (2015), <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>.) Definitions and reporting requirements vary widely, data collection requirements remain underfunded, and undercounting remains prevalent. (*Id.* at 4.) While federal databases remain incomplete and inconsistent, various independent databases have emerged to track fatal law enforcement encounters. (*Id.* at Appendix B, 9.)
- <sup>24</sup> Alex Emslie & Rachel Bale, “More than half of those killed by police are mentally ill,” *KQED*, Sep. 30, 2014, <https://www.kqed.org/news/147854/half-of-those-killed-by-san-francisco-police-are-mentally-ill>.
- <sup>25</sup> U.S. Dep’t of State, *India 2017 Human Rights Report* 2 (2017) <https://www.state.gov/documents/organization/277525.pdf>.
- <sup>26</sup> *City & Cty. of San Francisco v. Sheehan*, 135 S. Ct. 1765, 1771, 191 L. Ed. 2d 856 (2015).
- <sup>27</sup> *Id.*
- <sup>28</sup> *Id.* at 1775.
- <sup>29</sup> *Id.* at 1778 (Scalia, J., dissent).
- <sup>30</sup> See, e.g., U.S. Dep’t of Justice, *Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act* (2017), <https://www.ada.gov/cjta.html> (“Title II’s general prohibitions against discrimination are subject to limitations. When an individual poses a “direct threat” to the health or safety of others, i.e., a significant health or safety risk that cannot be mitigated or eliminated by a reasonable modification of

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policies, practices or procedures, Title II does not require a public entity to permit that individual to participate in, or benefit from, services, programs, or activities.”)

<sup>31</sup> *People v. O’Callaghan*, No. B265928, 2017 WL 958396, at \*1 (Cal. Ct. App. Mar. 13, 2017).

<sup>32</sup> *Id.*

<sup>33</sup> Manny Fernandez & David Montgomery, “Perjury Charge Dropped Against Ex-Trooper in Sandra Bland Case,” N.Y. TIMES, June 28, 2017, <https://www.nytimes.com/2017/06/28/us/sandra-bland-death-brian-encinia-texas-texas.html>.

<sup>34</sup> Research into Police Department Guidelines and Policies on Interactions with Persons with Disabilities, conducted by Austin Hetrick, Jan. 2018 [on file with author].

<sup>35</sup> U.S. Dep’t of Justice, *Examples and Resources to Support Criminal Justice Entities in Compliance with Title II of the Americans with Disabilities Act* (Jan. 2017), <https://www.ada.gov/cjta.html>.

<sup>36</sup> Cleveland Division of Police, *Use of Force Training 2017 31* (2017), [https://docs.wixstatic.com/ugd/8a5c22\\_1640989a47c44df3a9d21de1697c9e75.pdf](https://docs.wixstatic.com/ugd/8a5c22_1640989a47c44df3a9d21de1697c9e75.pdf).

<sup>37</sup> CRPD Committee, *General Comment No. 3 on Article 6: Women and girls with disabilities*, paras. 33, 53, 55, U.N. Doc. CRPD/C/GC/3 (2016).

<sup>38</sup> See Women Enabled International, *Submission on Deprivation of Liberty and Women and Girls with Disabilities to the Working Group on the issue of Discrimination against Women in Law and in Practice 3-4* (Oct. 2018), <https://womenenabled.org/pdfs/WEI%20WGDAW%20on%20WWD%20Deprived%20of%20Liberty%20Full%20Submission%20-%20October%202012%202018%20Final.pdf>.

<sup>39</sup> CRPD Committee, *General Comment No. 3 on Article 6: Women and girls with disabilities*, paras. 33, 53, 55, U.N. Doc. CRPD/C/GC/3 (2016).

<sup>40</sup> HUMAN RIGHTS WATCH, “TREATED WORSE THAN ANIMALS”: ABUSES AGAINST WOMEN AND GIRLS WITH PSYCHOSOCIAL OR INTELLECTUAL DISABILITIES IN INSTITUTIONS IN INDIA 40 (2014).

<sup>41</sup> See, e.g., CREA, *count me IN!: Violence against disabled, lesbian, in sex-working women in Bangladesh, India, and Nepal* (2012), <http://www.creaworld.org/sites/default/files/The%20Count%20Me%20In!%20Research%20Report.pdf>.

<sup>42</sup> HUMAN RIGHTS WATCH, “TREATED WORSE THAN ANIMALS”: ABUSES AGAINST WOMEN AND GIRLS WITH PSYCHOSOCIAL OR INTELLECTUAL DISABILITIES IN INSTITUTIONS IN INDIA (2014).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Disability Rights International, Human Rights Watch, and Women Enabled International, *Submission to the United Nations Committee on the Elimination of Discrimination against Women: Review of Serbia* (Jan. 28, 2019), <https://womenenabled.org/pdfs/HRW%20WEI%20DRI%20Submission%20to%20CEDAW%20on%20Serbia%20FINAL%20January%2028,%202019.pdf>.

<sup>47</sup> Biljana Janjic & Dragana Ciric Milovanovic, *Here walls have ears too: testimonials of women with mental disabilities about gender-based violence in residential institutions 51-64* (2017), <http://www.mdri-s.org/wp-content/uploads/2018/02/Publikacija-engleski.pdf>.

<sup>48</sup> *Id.* at 51-52.

<sup>49</sup> Disability Rights International, Human Rights Watch, and Women Enabled International, *Submission to the United Nations Committee on the Elimination of Discrimination against Women: Review of Serbia* (Jan. 28, 2019), <https://womenenabled.org/pdfs/HRW%20WEI%20DRI%20Submission%20to%20CEDAW%20on%20Serbia%20FINAL%20January%2028,%202019.pdf>.

<sup>50</sup> Family Law (Serb.), Art. 146, Official Gazette of the Republic of Serbia, No. 18/2005, 72/2011, 6/2015,.

<sup>51</sup> Disability Rights International, Human Rights Watch, and Women Enabled International, *Submission to the United Nations Committee on the Elimination of Discrimination against Women: Review of Serbia* (Jan. 28, 2019), <https://womenenabled.org/pdfs/HRW%20WEI%20DRI%20Submission%20to%20CEDAW%20on%20Serbia%20FINAL%20January%2028,%202019.pdf>.

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