



**Women Enabled International Submission to OHCHR:
Comments for Report on Access to Justice for Persons with Disabilities**

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Women Enabled International (WEI) and the endorsing organizations above welcome the opportunity to provide information to the Office of the High Commissioner for Human Rights (OHCHR) for its forthcoming study on Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD). WEI works at the intersection of women's rights and disability rights to advocate and educate for the human rights of all women and girls, emphasizing women and girls with disabilities, and works to include women and girls with disabilities in international resolutions, policies, and programs addressing women's human rights and development.

Effective access to justice is essential for ensuring the respect, protection, and fulfilment of all human rights. Women and girls with disabilities,¹ however, experience disproportionate barriers to accessing justice due to discrimination and stereotypes that are based on both their gender and disability. This lack of access to justice—itself a violation of their rights—increases the vulnerability of women with disabilities to other human rights violations, including violations of their bodily integrity and right to be free from violence, as perpetrators of this violence realize that they can act with impunity when the justice system fails to address the violence.

This submission will briefly outline some general observations and legal standards surrounding access to justice for women with disabilities, providing examples of how barriers to accessing justice play out on the ground in several states. It will then provide some recommendations for OHCHR to consider including as part of its study on Article 13 of the CRPD.

I. Background

A. Women with disabilities are disproportionately subjected to gender-based violence

Women with disabilities are at least two to three times more likely than women without disabilities to experience violence and abuse,² and they are likely to experience abuse over a longer period of time, resulting in more severe injuries.³ As the CRPD Committee found in its General Comment No. 3 on women and girls with disabilities, several forms of violence against women solely or disproportionately affect women with disabilities.⁴ These include among others: abandonment; neglect; denying women with disabilities needed care; changing the accessibility of the environment around women with disabilities; involuntary sterilization and “other medical procedures performed without free and informed consent, including those related to contraception and abortion;” involuntary institutionalization; and “the administration of electroshocks, chemical, physical, or mechanical restraints” without consent.⁵

The CRPD Committee also recognized that harmful stereotypes perpetuate violence against women with disabilities, because these stereotypes “infantilize women with disabilities, call into question their ability to make judgments, and [reinforce] perceptions of women with disabilities as being asexual, or hypersexual...”⁶ States, however, consistently either fail to prevent these forms of violence or too frequently legally permit them to take place, in particular forced reproductive health interventions without the woman's consent, other forced medical procedures, forced institutionalization, abandonment, neglect, and depriving women of accessible environments.

B. Women with disabilities face significant barriers to accessing justice following gender-based violence

In order to prevent gender-based violence against women with disabilities, it is essential to ensure their access to justice. Due to discrimination based on both their gender and disability, however, women with disabilities face significant barriers to accessing justice following gender-based violence. As the Committee on the Elimination of Discrimination against Women (CEDAW Committee), has recognised in its General Recommendation No. 33 on access to justice, women may face particular barriers to accessing justice because of “gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular....”⁷ These barriers to accessing justice are compounded for women with disabilities. Indeed, the CEDAW Committee in General Recommendation No. 33 called on states to “[p]ay special attention to access to justice systems for women with disabilities.”⁸ The Committee on the Rights of Persons with Disabilities (CRPD Committee) also found in its General Comment No. 3 on women and girls with disabilities that they face “harmful stereotypes, discrimination and lack of procedural and reasonable accommodations, which can lead to their credibility being doubted and their accusations being dismissed.”⁹ This situation is particularly acute in cases concerning sexual or domestic violence, where courts often rely on victims to provide key evidence.¹⁰

Women with disabilities face several types of barriers to accessing justice—including legal barriers, accessibility barriers, attitudinal barriers, and economic barriers—described in more detail below.

Legal Barriers

Laws and policies can directly or indirectly prevent women with disabilities from accessing justice mechanisms. In particular, laws that strip women with disabilities—particularly intellectual and psychosocial disabilities—of legal capacity or declare them as being of “unsound mind” may prevent them from testifying in court, including when they are the victims of violence, or may allow police or courts to call into question such testimony based solely on disability. As the CRPD Committee noted in its General Comment No. 3 on women and girls with disabilities, the testimonies of women with intellectual or psychosocial disabilities in particular “are dismissed from court proceedings because of legal capacity, thus denying them justice and effective remedies as victims of violence.”¹¹

- For instance, in **Ghana**, under the Evidence Act, judges have the discretion to discard testimony of any individual who is unable to make themselves understood from serving as a credible witness,¹² a situation that is particularly problematic given that deaf women and women with intellectual disabilities in Ghana are not accommodated when trying to communicate with the police and courts.¹³ This legal barrier reinforces the already significant hurdle that women with disabilities face in being recognized as credible witnesses.
- In **India**, judges may decree a person with a disability to be of “unsound mind,” which has the possible impact of nullifying a person’s account of violence. This provision remained in a provision of the Mental Health Care Bill, 2016, which at the time of writing had been passed by the Upper House of Parliament but not yet fully adopted.¹⁴

Even where laws are in place to ensure access to justice for women with disabilities who are victims of violence, they may not reach many women with disabilities or may not be effectively implemented.

- For instance, in **India**, although the Criminal Law (Amendment) Act 2013 outlaws violence against women with disabilities in institutional settings, in practice women with disabilities have effectively no access to the justice system when they are institutionalized, either to challenge forced institutionalization or to report violence committed against them in institutions.¹⁵ Indeed, a 2014 report by Human Rights Watch found that of the 128 instances of abuse they documented against women with disabilities in Indian institutions, none of the women had been able to file First Information Reports or otherwise access redress mechanisms to address their forced institutionalization or the verbal, physical, or sexual abuse committed against them.¹⁶

States may also lack legal protections against some forms of violence that specifically affect women with disabilities, serving as an additional barrier to justice.

- For instance, although in **Nigeria** the adoption of the Violence against Persons (Prohibition) Act, 2015, contains prohibitions on many of the forms of violence that women with disabilities uniquely or disproportionately experience (for instance, abandonment, forced isolation, and economic abuse),¹⁷ the Act still excludes some forms of violence that women with disabilities experience, including forced or coerced sterilization, contraception, and abortion as well as taking away mobility aids and medicines.¹⁸
- Although the **United Kingdom (UK)** adopted the Serious Crime Act in 2015, which includes a prohibition on exercising “coercive behavior” over another person, a form of violence often used by domestic abusers,¹⁹ this provision falls short of fully protecting women with disabilities. The law still allows those accused of coercive behavior to claim that they believed they were acting in the person’s “best interests” and to raise this as a defense.²⁰ Because women with disabilities are often reliant upon their partners for some caregiving responsibilities, this provision may allow abusive partners and other caregivers of women with disabilities to claim this so-called caregiver defense, even when they are engaged in behaviors that undermine the women’s autonomy and would otherwise be forms of abuse. Giving this statutory deference to caregivers means it would be up to the courts to decide whether their actions were reasonable,²¹ putting a burden on women with disabilities to prove, beyond a reasonable doubt, that abusers were not acting in their best interests.²²
- In **India**, under the Medical Termination of Pregnancy Act, 1971 (as amended in 2002), guardians can consent to abortions for women with psychosocial disabilities, leading to forced abortions.²³ Although the Supreme Court of India in 2009 found that guardians of women with “mild to moderate” intellectual disabilities cannot similarly provide consent to abortion on behalf of their wards, the Court did not strike down the provisions of the Medical Termination of Pregnancy Act, 1971, that allow for forced abortion of women with psychosocial disabilities. The Court in fact distinguished between psychosocial and intellectual disabilities, stating that, as per the law, a guardian could still provide consent for terminating pregnancies of women with psychosocial disabilities.²⁴ The recently-adopted Rights of Persons with Disabilities Act 2016 also still allows for forced abortion “in severe cases of disability” where both the doctor and guardian consent.²⁵

Accessibility Barriers

Women with disabilities also face many accessibility-related barriers to justice and are frequently not provided with reasonable accommodations when reporting gender-based violence. These accessibility barriers may be physical, informational, or related to communications, but they all limit how women with disabilities can interact with the justice system.

Physical Accessibility

When courthouses, police departments, legal aid offices, and transportation services are not physically accessible or not located in local communities, this can prevent women with disabilities from accessing justice.²⁶ Furthermore, when medical services and evidence-gathering techniques do not take physical accessibility into account²⁷ and when domestic violence shelters and other services for victims of gender-based violence are not physically accessible, women with disabilities will face increased barriers to accessing justice.

- For instance, in **Ghana**, the geographic distribution of police stations can be a significant barrier to accessing justice. One participant in a 2015 study reported: “We (the community) don’t have a police station here. I’m blind and there are people taking care of me. They have to go to work in order for us to get food to eat. They can’t leave work and follow me to the police station in the next town. What are we going to eat if they have to follow me every day to see the police?”²⁸
- Furthermore, a 2014 European Union and University of Leeds study found that, in the **UK**, nearly half of support services for victims of violence—which served as important conduits for justice and included shelters, advice centers, helplines, and intervention centers, among others—reported that they were “not accessible” to blind women and women with visual impairments.²⁹ Almost half of these services also reported they were only “partially accessible” to wheelchair users and women with other physical disabilities.³⁰ Support services reported that they thought that they

would need to make significant and costly changes in order to accommodate more women with disabilities, and that public and private funding was not available for these updates.³¹

Information Accessibility

Knowledge about the law and rights under the law is an essential prerequisite for accessing justice.³² Women with disabilities often lack knowledge about their rights to and within the justice system, because information about their rights is inaccessible, not produced in user-friendly formats, and not available in plain language.³³ This gap in knowledge means that persons with disabilities may not know how to access justice, the procedures that they must follow, or even when their rights have been violated.

- For instance, a 2014 report from the University of Leeds, based on extensive interviews with women with disabilities in the **UK**, noted that disabled women who were victims of violence had little knowledge about the law and how it was implemented in practice, sometimes because the perpetrators of violence isolated these women and controlled what information they received.³⁴ Women with disabilities in the study were frequently unaware of or not clear about their formal rights under criminal law and about the criminal prosecution process,³⁵ and if they were somewhat aware of their rights, they expressed confusion about which rights applied to them in certain situations based on their gender, disability, or other statuses.³⁶ As a result, women with disabilities lacked confidence to engage with the criminal justice process and were also skeptical about its effectiveness.³⁷
- A 2013 study of women with disabilities in **Ghana** also showed that they lacked adequate knowledge of the laws that protect their rights and guarantee their safety, a situation that prevented them from reporting gender-based violence.³⁸
- In **Nigeria**, women with disabilities were also more likely to lack knowledge about the procedures for reporting violence or feel shame or fear that no one will believe them.³⁹

Communications Accessibility

Women with disabilities may also lack accommodations related to communications when accessing justice. Lack of interpretation or other communication aids throughout the justice system can prevent women with disabilities from reporting gender-based violence, testifying on their own behalfs in court, or otherwise moving a complaint through the justice system.

- For instance, in a 2014 study by the University of Leeds, women with disabilities in the **UK**, particularly deaf and hearing-impaired women, commented that they encountered or were afraid of communications accessibility problems when working with the police.⁴⁰
- Additionally, in **Ghana**, communication barriers in particular served as a substantial obstacle for deaf women and women with intellectual disabilities in seeking justice. The Ghana National Association of the Deaf has emphasized the need for sign language interpreters to be available at police stations, courts, hospitals and other locations, noting that the absence of such interpreters can effectively deny deaf individuals access to essential information and services.⁴¹
- Furthermore, in **India**, although the Criminal Law (Amendment) Act 2013 and the Code of Criminal Procedure, 1973, do provide protections for women with disabilities in accessing the police and courts, women with disabilities are still frequently prevented from filing First Information Reports in places where they are comfortable rather than at police stations, and they are often not provided with sign language interpreters or special educators to assist with justice-related communications.⁴²

These communication barriers prevent women with disabilities from reporting and seeking justice for the violence committed against them. Communication barriers can also make women with disabilities more vulnerable to violence.

- For instance, a 2013 study of school-aged children in **Nigeria** indicated that rates of sexual violence may be higher for girls with intellectual disabilities because “perpetrators are aware that due to the cognitive impairments of their victims, these individuals find it difficult to recognize their perpetrators, avoid violent situations, report such abuse and/or receive justice from the courts of law.”⁴³

Attitudinal Barriers

Many professionals in the justice and service provision sectors hold misperceptions and stereotyped views about women with disabilities and their rights under the law, while frequently lawyers are not trained to work with persons with disabilities.⁴⁴ Related to gender-based violence in particular, these individuals may view women with disabilities as asexual and hypersexual or lacking in credibility. As the former UN Special Rapporteur on Violence against Women, Rashida Manjoo, recognised, this perception about credibility—as well as the “infantilisation” of and stereotypes about many women with disabilities—leads to a “systematic failure of the court system to acknowledge them as competent witnesses.”⁴⁵ Justice system actors and service providers may also perceive those who serve as caretakers for women with disabilities as more credible and unlikely to commit abuse.

- For instance, women generally in **Nigeria** who experience gender-based violence are likely to have their stories doubted, and this is particularly the case for women with disabilities because they are considered unattractive or asexual, and the caregivers who are often the perpetrators of violence are considered “saints.”⁴⁶
- In a 2014 study conducted by the University of Leeds, women with disabilities in the **UK** stated that the police were judgmental towards them and applied mistaken assumptions and stereotypes about their mental abilities and living situations.⁴⁷ As a result, women with disabilities sometimes felt that the police actually hindered their access to justice.⁴⁸

Women with psychosocial and intellectual disabilities in particular may have their accounts of violence doubted.

- A 2014 report by the Metropolitan Police Services in the **UK** found that only 15% of rapes reported to the police in 2013 resulted in prosecutions, but those reported by women with disabilities were even less likely to be prosecuted.⁴⁹ Women with psychosocial disabilities were 40% less likely than other victims to have their rape cases referred by police for prosecution, while persons with intellectual disabilities were 67% less likely to have their cases referred.⁵⁰ The decision of a detective to refer a rape case for prosecution was rarely subjected to outside scrutiny.⁵¹ As the author of the 2014 Metropolitan Police Services report noted, “[v]ictim vulnerabilities effectively protect suspects from being perceived as credible rapists,” indicating that it is often the status of the victim herself as a woman with a disability and the stereotypes associated with that disability that leads to these low rates of referral.⁵²

Worries about child custody, based on stereotypes about the parenting ability of women with disabilities, may also deter women with disabilities from accessing justice when they are victims of violence, particularly intimate partner violence. As the Special Rapporteur on Violence against Women identified, this may lead them to remain in abusive relationships, as they may otherwise have a “[f]ear of unjustified termination of parental rights” based on harmful misperceptions about their ability to parent.⁵³

- For instance, women with disabilities who were victims of violence in the **UK** have reported that they have had their children taken away from them, because they failed to protect the children from violence⁵⁴ or because courts or service providers assumed that they would not be able to take care of children on their own because of their disability,⁵⁵ deterring these women from seeking justice.

Economic Barriers

Poverty can be a major barrier to women with disabilities in accessing justice. In many countries, women with disabilities are more likely to live in poverty than are men with disabilities or non-disabled women.⁵⁶ As a result, women with disabilities are more likely to be unable to afford costs associated with hiring an attorney, transportation, filing fees, and medical services, and in situations of gender-based violence they may also be more economically or otherwise dependent on their abusers.⁵⁷

- For instance, in **Ghana**, financial constraints and inadequate accessible transportation further prevent the reporting of the sexual and domestic violence committed against women with disabilities.⁵⁸ A 2015 report from Immigration and Refugee Board of Canada noted that the cost of legal and medical fees associated with reporting sexual and gender-based violence in Ghana

can prevent women from reporting this violence.⁵⁹ At least one woman also reported that she did not report sexual violence because she was more in need of child support from her abuser.⁶⁰

- Additionally, state funding for rape crisis centres and domestic violence shelters in the **UK** has been cut in recent years, leading to closures and threats of closures and impact women's access to justice. As of November 2015, nearly half of the rape crisis centres in England and Wales—which help women in these areas access services and the justice system when they are victims of sexual violence—were on the verge of closing due to national budget cuts.⁶¹ Furthermore, as the UN Special Rapporteur on Violence against Women noted following her visit to the UK, legal aid cuts have had a disproportionate impact on marginalized groups in the UK, including women with disabilities, thereby limiting their access to justice.⁶²

II. Good Regulations and Practices

There are several examples of good regulations and practices to support access to justice for persons with disabilities, including women with disabilities who are victims of gender-based violence. Although it is unclear whether they have been implemented in any states, the **Brasilia Regulations Regarding Access to Justice for Vulnerable People** (The Brasilia Regulations), produced by the XIV Ibero-American Judicial Summit, mandate that “[e]very attempt will be made to establish the necessary conditions to guarantee the accessibility of disabled persons to the justice system, including measures aimed at using all required judicial systems and having all resources that guarantee for them safety, mobility, comfort, understanding, privacy and communication.”⁶³ The Brasilia Regulations also call on states to make modifications to their evidence-gathering procedures in order to protect vulnerable persons from further trauma or illness, including by using audiovisual recordings in court proceedings to prevent the person from having to testify again in future proceedings.⁶⁴ Furthermore, the Brasilia Regulations call for persons with disabilities to be provided with accessible means of intervening in court proceedings, including by ensuring that buildings themselves are physically accessible, “making it easier to access to be present in the judicial process.”⁶⁵

Non-governmental organizations and service providers have also established programs that can increase access to justice for women with disabilities. For instance, the National Union of Women with Disabilities of Uganda’s paralegal program has trained 32 women with disabilities about the rights of women and girls with disabilities relating to gender-based violence and sexual and reproductive health. As a result, these women now serve as paralegals and have become community role models, offering peer-to-peer support in reporting violations, conducting the necessary follow-up to ensure justice was achieved, and advocating for systemic change.⁶⁶ In South Africa, the Sexual Abuse Victim Empowerment (SAVE) program at Cape Mental Health has increased access to justice for people with disabilities who are survivors of sexual abuse through psychological assessment; court preparation, sex education, counselling and support for both survivors and their families; a cache of expert witnesses; a referral network within the justice and police departments; training and awareness raising amongst the police and prosecutors; and training and ongoing support for other stakeholders.⁶⁷

Furthermore, the organization Safe Austin, located in the United States of America, has developed a training manual that provides resources for law enforcement when working with persons with disabilities.⁶⁸ This manual helps to breakdown stereotypes about persons with disabilities, particularly women with disabilities, and provides thorough advice for sensitively interviewing witnesses, investigating crimes, and collecting evidence for persons with a variety of disabilities.⁶⁹ These recommendations include ensuring that the victim or witness with a disability understands what is happening and why she is being interviewed, providing interpreters, assistants, or adaptive equipment to help with the interview, allowing the person to be in control of the interview as much as possible, and ensuring that police do not break or damage needed communications or mobility equipment while gathering evidence.⁷⁰

III. Conclusion and Recommendations

Access to justice for women with disabilities not only requires that police and courts are available to them, but also that these arenas are fully accessible and inclusive. Furthermore, to access justice, women and girls with disabilities must be permitted to exercise legal capacity, and the abuses committed against them must be considered crimes. Women and girls with disabilities must also be given accessible information about the justice system, from an early age, so that they know their rights and how to access justice, while justice system actors and service providers should be properly trained in how to work with persons with disabilities. Finally, women with disabilities must be themselves included in the justice system as jurors, lawyers, judges, clerks, police officers, or other justice system actors, to ensure they are included and that their voices are heard throughout the process.

With this in mind, we encourage OHCHR to include the following recommendations to states in its report on Article 13 of the CRPD:

- Abolish systems of guardianship that allow guardians or others to make important decisions about the lives and health of women with disabilities without their consent. Establish regimes that provide women with disabilities with support services, when requested, to make their own decisions and to participate in justice mechanisms.⁷¹
- Amend criminal and civil laws to ensure that abuses that happen disproportionately against women with disabilities—such as forced sterilization, contraception, and abortion—are prohibited and sanctioned, and that laws do not inadvertently give perpetrators of violence against women a defense for that violence based on their caretaker status.
- Amend laws that allow courts to nullify the testimony of women with disabilities on the basis that they cannot be understood, instead requiring the justice system to provide interpreters, special educators, or other supports for these witnesses.
- Amend laws to guarantee the physical accessibility of buildings and ensure adequate funding is allocated to modify existing public buildings to facilitate access and usability by persons with disabilities, specifically including courthouses and other buildings where law enforcement takes place and facilities within those buildings, such as bathrooms, courtrooms, interview rooms, witness chairs, and jury boxes.
- Craft laws and policies to allow women with disabilities to provide witness statements and testimony in locations that are comfortable for them, such as in their homes rather than in police stations, or using videolink.⁷²
- Ensure state funding for rape crisis centers and domestic violence shelters, and ensure that some of this funding is specifically allocated to ensuring that these support services are available and accessible to all women with disabilities.
- Create accessible “know your rights” programs targeted at women with disabilities to ensure that they have the information they need to be confident in accessing justice mechanisms when they are victims of violence.
- Train the police force, other emergency responders, and other justice system actors on how to assist victims of violence who are persons with disabilities. This training should be targeted to ensure that violence and abuse against women with disabilities is appropriately investigated and prosecuted, regardless of the disability status of the victim, and that the needs of women with disabilities are reasonably accommodated in police investigations and in legal proceedings.
- Ensure access to free legal aid for those who cannot otherwise afford to pay for attorneys and court costs, and ensure social support for women with disabilities so that they are empowered to leave abusers and report violence committed against them.

¹ Throughout this submission, the term “women” refers to women and girls throughout the life cycle, unless otherwise noted.

² UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID), UNITED STATES STRATEGY TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE GLOBALLY 7 (Aug. 10, 2012), <http://www.state.gov/documents/organization/196468.pdf>. It is worth noting that no global data exists on the incidence of such violence, and studies draw on different sources of data.

³ UN Special Rapporteur on Violence against Women, *Report of the Special Rapporteur on violence against women, its causes and consequences*, ¶ 31, U.N. Doc. A/67/227 (2012) [hereinafter SRVAW, *Report on women with disabilities*].

⁴ See, e.g., CRPD Committee, *General Comment No. 3: Article 6: Women and girls with disabilities*, ¶ 32, U.N. Doc. CRPD/C/GC/3 (2016) [hereinafter CRPD Committee, *Gen. Comment No. 3*].

⁵ *Id.*

⁶ *Id.* at 32.

⁷ CEDAW Committee, *General Recommendation No. 33 on women's access to justice*, ¶ 8, U.N. Doc. CEDAW/C/GC/33 (2015).

⁸ CEDAW Committee, *General Recommendation No. 33 on women's access to justice*, ¶¶ 13 & 17(g), U.N. Doc. CEDAW/C/GC/33 (2015).

⁹ CRPD Committee, *Gen. Comment No. 3*, *supra* note 4, ¶ 52.

¹⁰ *Id.*

¹¹ *Id.*, ¶ 17(a).

¹² THE LAWS OF GHANA, EVIDENCE ACT, NATIONAL REDEMPTION COUNCIL DECREE §§ 58, 59 (1975).

¹³ See *Communications Accessibility* below.

¹⁴ Mental Health Care Bill, 2016, § 3(5) (India), *available at* <http://www.prsindia.org/administrator/uploads/general/1376983253~mental%20health%20care%20bill%202013.pdf>.

¹⁵ HUMAN RIGHTS WATCH, “TREATED WORSE THAN ANIMALS”: ABUSES AGAINST WOMEN AND GIRLS WITH PSYCHOSOCIAL OR INTELLECTUAL DISABILITIES IN INSTITUTIONS IN INDIA 40 (2014), *available at* <https://www.hrw.org/report/2014/12/03/treated-worse-animals/abuses-against-women-and-girls-psychosocial-or-intellectual>.

¹⁶ *Id.* at 69.

¹⁷ Violence against Persons (Prohibition) Act, 2015, §§ 12, 13 & 16 (2015) (Nga.)

¹⁸ Although the Act prohibits acts of coercion, including “a person who coerces another to engage in any act to the detriment of that other person’s physical or psychological well being,” it is unclear whether this provision would cover these forms of violence against women with disabilities (Violence against Persons (Prohibition) Act, 2015, § 3 (2015) (Nga.)).

¹⁹ Serious Crime Act 2015, § 76 (U.K.).

²⁰ *Id.*, § 76(8) (2015) (U.K.); Karen McVeigh, *Women with disabilities excluded from domestic abuse law, say campaigners*, THE GUARDIAN, Jan. 28, 2015, <https://www.theguardian.com/society/2015/jan/28/coercive-control-women-carers-disability-serious-crime-bill>.

²¹ Serious Crime Act 2015, § 76(8) (U.K.).

²² *Id.*, § 76(9).

- ²³ Medical Termination of Pregnancy Act, 1971, § 3(4)(a) (1971) (India).
- ²⁴ Supreme Court of India, *Suchita Srivastava & Anr vs Chandigarh* (2009), available at <https://indiankanoon.org/doc/1500783/>.
- ²⁵ The Rights of Persons with Disabilities Act, 2016, § 92(f) (2016) (India), available at <http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf>.
- ²⁶ United Nations Division for Social Policy Development (UN DSPD) & United Nations Department of Economic and Social Affairs (UN DESA), *Toolkit on Disability for Africa: Access to Justice for Persons with Disabilities* 16, <http://www.un.org/esa/socdev/documents/disability/Toolkit/Access-to-justice.pdf>; CEDAW Committee, *General Recommendation No. 33 on women's access to justice*, ¶¶ 13 & 17(g), U.N. Doc. CEDAW/C/GC/33 (2015).
- ²⁷ United Nations Division for Social Policy Development (UN DSPD) & United Nations Department of Economic and Social Affairs (UN DESA), *Toolkit on Disability for Africa: Access to Justice for Persons with Disabilities* 16.
- ²⁸ Maxwell Peprah Opoku, et al., *Barriers in reporting of sexual violence against women with disabilities in Ashanti region of Ghana*, 1 J. DISABILITY STUD. 77, 81 (2015), available at <http://pubs.iscience.in/journal/index.php/jds/article/view/346/255>.
- ²⁹ EUROPEAN UNION AND UNIVERSITY OF LEEDS, ET AL, ACCESS TO SPECIALIZED VICTIM SUPPORT SERVICES FOR WOMEN WITH DISABILITIES WHO HAVE EXPERIENCED VIOLENCE: FINAL SHORT REPORT 26 (2014), available at http://www.gla.ac.uk/media/media_394354_en.pdf.
- ³⁰ *Id.*
- ³¹ *Id.* at 23.
- ³² See Access to Justice: Practice Note, United Nations Development Programme (Sept. 3, 2004), at 3, http://www.undp.org/governance/docs/Justice_PN_English.pdf.
- ³³ Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities, and the Legal System*, 17:2 ILSA J. OF INT. & COMP. LAW 281, 300 (2011).
- ³⁴ UNIVERSITY OF LEEDS, ET AL, ACCESS TO SPECIALISED VICTIM SUPPORT SERVICES FOR WOMEN WITH DISABILITIES WHO HAVE EXPERIENCED VIOLENCE: NATIONAL REPORT, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND 27 (2014), available at <http://www.sociology.leeds.ac.uk/assets/files/research/cds/vadw/Empirical-Report-UK.pdf>.
- ³⁵ *Id.* at 24.
- ³⁶ *Id.*
- ³⁷ *Id.* at 26.
- ³⁸ See, e.g., NICOLE HUYSER, SAFETY AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITY IN KUMASI AND THE ASHANTI REGION 11 (Aug 2013), available at <http://www.slideshare.net/NicoleHuyserMSc/safety-and-sexual-violence-against-women-and-girls-with-disabilities-in-kumasi-and-the-ashanti-region-42418868>.
- ³⁹ ENHANCING NIGERIA'S HIV/AIDS RESPONSE (ENR) PROGRAMME, HIV/AIDS AND SEXUAL BEHAVIOURS OF PERSONS WITH DISABILITIES IN NIGERIA 25 (2015), available at https://www.popcouncil.org/uploads/pdfs/2015HIV_ENR-PersonsWithDisabilities.pdf.
- ⁴⁰ UNIVERSITY OF LEEDS, ET AL, ACCESS TO SPECIALISED VICTIM SUPPORT SERVICES FOR WOMEN WITH DISABILITIES WHO HAVE EXPERIENCED VIOLENCE: NATIONAL REPORT, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND 72 (2014), available at <http://www.sociology.leeds.ac.uk/assets/files/research/cds/vadw/Empirical-Report-UK.pdf>.

⁴¹ Ghana National Association of the Deaf, *Press release: GNAD prepares for phase 2 of the Mwanachi project* (June 10, 2011), available at <http://gnadgh.com/news/?p=43>.

⁴² National Platform for the Rights of the Disabled, *Press Statement and Memorandum to the National Commission for Women* (Sept. 18, 2015), available at <http://feministlawarchives.pldindia.org/wp-content/uploads/20150919-new.pdf?>.

⁴³ Toyin J Aderemi, et al, *Differences in HIV knowledge and sexual practices of learners with intellectual disabilities and non-disabled learners in Nigeria* in 16(1) J. INT. AIDS SOC. 2013 (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3568677/>.

⁴⁴ Stephanie Ortoleva, *Inaccessible Justice: Human Rights, Persons with Disabilities, and the Legal System*, 17:2 ILSA J. OF INT. & COMP. LAW 281 (2011).

⁴⁵ SRVAW, *Report on women with disabilities*, *supra* note 3, ¶ 41.

⁴⁶ INCLUSIVE FRIENDS & NIGERIA STABILITY AND RECONCILIATION PROGRAMME, *WHAT VIOLENCE MEANS TO US: WOMEN WITH DISABILITIES SPEAK* 19 (2015).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Melanie Newman, *Rape has been 'decriminalised' for the most vulnerable says senior Met advisor*, THE BUREAU OF INVESTIGATIVE JOURNALISM, Feb. 28, 2014, available at <https://www.thebureauinvestigates.com/2014/02/28/rape-has-been-decriminalised-for-the-most-vulnerable-says-senior-met-adviser/>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ SRVAW, *Report on women with disabilities*, *supra* note 3, ¶ 49; *see also*. Elisabeth Lightfoot et al. *The Inclusion of Disability as a Condition for Termination of Parental Rights* in 34 CHILD ABUSE & NEGLECT 927, 927-934 (2010), available at <http://dx.doi.org/10.1016/j.chiabu.2010.07.001>; Rannveig Traustadottir, *Obstacles to Equality: The Double Discrimination of Women with Disabilities* (1997), available at <http://www.independentliving.org/docs3/chp1997.html>.

⁵⁴ Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to the United Kingdom of Great Britain and Northern Ireland*, ¶ 98, U.N. Doc. A/HRC/29/27/Add.2 (2015).

⁵⁵ UNIVERSITY OF LEEDS, ET AL, *ACCESS TO SPECIALISED VICTIM SUPPORT SERVICES FOR WOMEN WITH DISABILITIES WHO HAVE EXPERIENCED VIOLENCE: NATIONAL REPORT, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND* 43 (2014), available at <http://www.sociology.leeds.ac.uk/assets/files/research/cds/vadw/Empirical-Report-UK.pdf>.

⁵⁶ *See, e.g.*, PAPWORTH TRUST, *DISABILITY IN THE UNITED KINGDOM 2014: FACTS AND FIGURES* 14 (2014), available at <http://www.papworthtrust.org.uk/sites/default/files/UK%20Disability%20facts%20and%20figures%20report%202014.pdf>.

⁵⁷ *See, e.g.*, CRPD Committee, *Gen. Comment No. 3*, *supra* note 4, ¶ 30.

⁵⁸ NICOLE HUYSER, *SAFETY AND SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS WITH DISABILITY IN KUMASI AND THE ASHANTI REGION* 13 (Aug 2013), available at <http://www.slideshare.net/NicoleHuyserMSc/safety-and-sexual-violence-against-women-and-girls-with-disabilities-in-kumasi-and-the-ashanti-region-42418868>.

⁵⁹ Canada: Immigration and Refugee Board of Canada, *Ghana: Domestic violence, including legislation, state protection and support services (2011-2015)*, § 3.4 (Sept. 17 2015), available at <http://www.refworld.org/docid/560b95c54.html>.

⁶⁰ Maxwell Peprah Opoku, et al., *Barriers in reporting of sexual violence against women with disabilities in Ashanti region of Ghana*, 1 J. DISABILITY STUD. 77, 81 (2015), available at <http://pubs.iscience.in/journal/index.php/jds/article/view/346/255>.

⁶¹ Serina Sandhu, *Nearly half of Rape Crisis organisations threatened with closure due to lack of funding*, THE INDEPENDENT, Nov. 25, 2015, available at <http://www.independent.co.uk/news/uk/home-news/nearly-half-of-rape-crisis-organisations-threatened-with-closure-due-to-lack-of-funding-a6748276.html>.

⁶² Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Mission to the United Kingdom of Great Britain and Northern Ireland*, ¶ 51, U.N. Doc. A/HRC/29/27/Add.2 (2015).

⁶³ Ibero-American Judicial Summit, *Brasilia Regulations Regarding Access to Justice for Vulnerable People*, Chp. 1, § 2(3)(8) (March 2008), available at <http://www.osce.org/odihr/68082?download=true>.

⁶⁴ *Id.*, § 4(1)(37).

⁶⁵ *Id.*, § 3(5)(77).

⁶⁶ National Union of Women with Disabilities of Uganda, *Uganda Case: Model of Paralegal: Empowering Women and Girls with Disabilities to be Champion of Change*, <https://nuwoduganda.org/>.

⁶⁷ *Cape Mental Health, Sexual Abuse Victim Empowerment*, <http://www.capementalhealth.co.za/save.html>.

⁶⁸ Safe Austin, *In My Jurisdiction: Responding to Crimes Against People with Disabilities, Deaf Individuals, and Older Adults* (2007), <http://safeaustin.org/wp-content/uploads/2013/12/Law-Enforcement-Curriculum-packaged.pdf>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See Convention on the Rights of Persons with Disabilities (CRPD), adopted Dec. 13, 2006, arts. 12, G.A. Res. A/RES/61/106, U.N. GAOR, 61st Sess., U.N. Doc. A/61/611, (entered into force May, 3 2008); CRPD Committee, *General Comment No. 1: Article 12: Equal recognition before the law*, U.N. Doc. CRPD/C/GC/1 (2014).

⁷² See Justice J.S. Verma, et al, *Report of the Committee on Amendments to Criminal Law 273 & 448* (2013), available at http://www.thehindu.com/multimedia/archive/01340/Justice_Verma_Comm_1340438a.pdf.