



# Law and Humanities Quarterly Reviews

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**Nunna, B. P., Kirchhoff, G. F., & Palit, M. (2022). Improving Criminal Justice System Responses to Crime Victims with Disabilities in India. *Law and Humanities Quarterly Reviews*, 1(2), 67-78.**

ISSN 2827-9735

DOI: 10.31014/aior.1996.01.02.11

The online version of this article can be found at:  
<https://www.asianinstituteofresearch.org/>

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Published by:  
The Asian Institute of Research

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# Improving Criminal Justice System Responses to Crime Victims with Disabilities in India

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## Abstract

In the past three decades, significant progress has been made in advancing victims' rights, ensuring comprehensive services for crime victims, and restoring victims as active participants in the criminal justice system in India. However, some victims, particularly those with disabilities, often remain marginalised. This paper examines how prejudices, stereotypes, and misconceptions contribute to the lack of participation of people with disabilities in the criminal justice process in India and how they are often compounded by societal assumptions, stereotyping, and misconceptions. It is argued that for too long, the criminal justice system has failed to adequately address the unique circumstances of people with disabilities. Specifically, this paper explores ways to assist crime victims with disabilities in accessing the criminal justice system, exercising their rights as victims of crime (some of which have legal standing, while others do not), and maximizing their participation in the criminal justice process. Finally, it is concluded that there must be a widespread cultural change among the police, the legal profession, the judiciary, the disability sector, and the general public to better assist victims with disabilities in the aftermath of crime.

**Keywords:** Victim, Disability, Victims' Rights, Access to Justice, Responses to Victims, Victim Participation

## 1. Introduction

Since the 1970s, there has been a "renewed recognition" of victims' needs and interests and concerted efforts to reinstate victims as "active" participants in criminal justice processes (Parsonage, 1979, p.8). Significant progress has been made in advancing victims' rights and providing comprehensive services to victims of crime in the past three to four decades (O'Connell & Hayes, 2009). This paper demonstrates that victims' rights are not accessible to all victims of crime and that some victims, such as those with disabilities, often remain marginalised. It argues that it is necessary to improve responses to victims of crime with disabilities in India to exercise their rights as

victims of crime and participate in the criminal justice system if they so choose. Finally, this paper argues that improved responses to victims with disability will minimise the risk of secondary injury (Kirchhoff, 2005).

The international community asserted its collective will to restore the rights and interests of victims when it adopted the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UN ODCCP, 1999). The Declaration aims to ensure that victims are adequately recognised, treated equitably, and offered assistance to deal with the consequences of victimisation. Several other international instruments complement the UN Declaration (O'Connell, 2011). The existence of these instruments is indicative of the global recognition that victims deserve courtesy, dignity, and respect regardless of their nationality, ethnicity, or cultural beliefs and, significantly in the context of this paper, disability (O'Connell, 2011; UN Declaration, 1985; UN Convention on the Rights of Persons with Disabilities, 2006).

However, the United Nations Convention on the Rights of Persons with Disabilities expresses concern that “persons with disabilities continue to face barriers in their participation as equal members of society” (United Nations, 2006a, p.2). Similarly, article 12 affirms the right of people with disabilities to equal recognition before the law and the state's responsibility to ensure that they have access to the assistance they need to exercise their legal capacity (United Nations, 2006a, Article 12, p.10). This applies to both victims and defendants with disabilities.

### *1.1. Disability Defined*

People with disabilities are not a homogenous group, and extreme care must be taken to avoid making any generalisations (Murray & Powell, 2008). A “person with disability” is defined under the Rights of Persons with Disabilities Act (2016) of India as a person who suffers from a long-term physical, mental, intellectual, or sensory impairment that, when coupled with barriers, prevents his full and effective participation in society equally with others (Ministry of Social Justice & Empowerment, 2016). Thus, it is a broad term encompassing people with developmental disabilities, traumatic brain injury, severe physical disabilities, major mental disorders, degenerative brain diseases, permanent brain injury due to a stroke, and organic brain injury (Sorensen, 2002). Compared to the Persons with Disabilities Act, 1995, the Rights of Persons with Disabilities Act represents a paradigm shift. In accordance with the CRPD, the legislation defines persons with disabilities to include 21 “impairments,” also known as “benchmark disabilities,” which are legally determinable and eligible for government benefits. The number of “impairments” is much higher than the seven impairments listed in the 1995 legislation. The number has tripled (Ministry of Social Justice & Empowerment, 2016).

### *1.2. Victims' Rights Defined*

It should be noted that the term ‘rights’ concerning victims of crime is indeed contested. According to some, the term ‘rights’ in this context is more symbolic. In general, such rights are simply rhetorical platitudes that do not have much practical impact, as they are not enforceable (O'Connell, 2015).

There is no doubt that the term ‘rights’ concerning victims is used not only in reference to enforceable rights but also to aspirational law. In addition, O'Connell (2015) states that “a right may be guaranteed by law, recognized by an international treaty, or rooted in social morality”.

A political commitment can be discerned from the United Nations Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power (UN ODCCP, 1999). While it serves as a guide for member states, they are not obligated to implement or comply with the standards it establishes (Groenhuijsen, 2014). Despite some advocating the adoption of a legally binding document, caution must be exercised to avoid creating inequities where member states with fewer resources cannot comply with the requirements (Hilf, 2014).

Regardless of whether victims' ‘rights’ are aspirational or legally enforceable, it is a moral imperative that these ‘rights’ be accessible to all victims regardless of their abilities or disabilities (O'Connell, 2015).

Despite being entitled to the same criminal and civil protections as all Indian citizens, crime victims with disabilities face significant barriers to accessing the legal system and seeking justice (Human Rights Watch, 2018). People with disabilities are more likely than others to be victimized by interpersonal violence yet receive less assistance in the aftermath of the abuse and prevent it from reoccurring (Dillon, 2010). Historically, victimology has failed to consider the social characteristics and individual experiences of “people with disabilities as a unique category of victim,” as well as the reactions to them as victims (Edwards, Harold & Kilcommins, 2012, p. 17; Kirchhoff, 2005).

## **2. Increased Risk of Victimization for People with Disabilities**

According to some studies (Dillon, 2010; Hughes et al., 2012; Jones et al., 2012; Sorensen, 2002), both children and adults with disabilities are at heightened risk of serious and violent crime and sexual assault. Jones et al. (2012) conducted a systematic review and meta-analysis that found that disabled children are almost four times more likely than non-disabled peers to experience violence. It appears that children with mental or intellectual disabilities are also more vulnerable to violence, especially sexual violence (Jones, 2012). Adults with disabilities are 1.5 times more likely to become victims of violence than those without disabilities. Victims with mental health conditions are four times more likely to become victims of violence (Hughes et al., 2012). Moreover, people with disabilities are also particularly vulnerable to repeat victimization (Office for Victims of Crime (OVC), 2002; Robinson, 2012).

People with disabilities are at an increased risk of victimisation (Sparkes, 1982; Fattah, 2014). There is evidence that people with disabilities may have had limited access to preventative education, making them less likely to recognize and avoid abusive and criminal situations (Robinson, 2012; Dillon, 2010; Murray & Powell, 2008). Robinson (2012) reports that young people with disabilities often accept inappropriate sexual behavior (such as coerced and forced sex and forced viewing of pornography) as the norm. Moreover, research shows that people with disabilities face an elevated risk of violence due to their living arrangements (Victorian Equal Opportunity & Human Rights Commission, 2014). For example, people with intellectual disabilities who live in shared residential care or institutional settings are most vulnerable to abuse (Murray & Powell, 2008). It is difficult to determine the ‘true’ extent of crime against people with disabilities, given that many crimes are committed by carers and not reported to the authorities. And, disability data is not necessarily captured by police when incidents are reported (Victorian Equal Opportunity and Human Rights Commission, 2014). The remainder of this paper focuses on post-victimisation interventions.

Turman (2001 in Tyiska, 2001) notes that many victims of crime with disabilities have never participated in the criminal justice system despite high levels of victimisation. People with disabilities report much fewer crimes, and far fewer cases are prosecuted and convicted (Sorensen, 2002). The National Crime Records Bureau (NCRB) collects and analyses crime data in India. NCRB data on the rape of women with mental and physical disabilities show 87, 116, and 94 cases, respectively, for 2018, 2019, and 2020 (NCRB, 2019; NCRB, 2020; NCRB, 2021). There is criticism that NCRB does not provide disaggregated data on victims with disabilities in its report (Pandit, 2021).

Moreover, in its conclusions to the Government of India, the Committee on the Rights of Persons with Disabilities expressed concern over the lack of disaggregated data in the NCRB on intimate partner violence and gender-based violence against women and girls with disabilities (Bhateja, 2019). In addition, it is estimated that 71% of crime committed against people with severe mental retardation goes unreported. When it is reported, it is claimed that people with disabilities are less likely to receive police intervention, legal protection, or preventative services (UN, 2006b, p.2). Indeed, the failure of the police to respond to and act on reports of abuse against people with disabilities is under scrutiny internationally (Edwards, Harold & Kilcommins, 2012). However, this may not necessarily be due to a lack of desire or disregard for people with disabilities but rather a lack of awareness of how to facilitate and assist participation.

### 3. Barriers Faced by People with Disabilities in Accessing Support

People with disabilities experience significant barriers to accessing the legal system and obtaining justice (Robinson, 2012; Murray & Powell, 2008). One could argue that the criminal justice system is one of the last social institutions to adequately adapt to the needs of people with disabilities and respond to their unique circumstances (Luckasson, 2001).

All victims face barriers to reporting and disclosing victimization, such as the feeling of shame, confusion, or fear that they will not be believed. However, it would appear that the barriers for victims with disabilities are compounded by a range of additional and complex factors. Some of these may include mobility restrictions, communication barriers, physical and social isolation, fear of retribution, feelings of shame and self-blame, a high propensity to acquiesce, ignorance of the justice system, and normalisation of violence within some residential facilities and services (Tyiska, 2001; Victorian Equal Opportunity & Human Rights Commission, 2014; Woodward, 2013). Further, the victim may be reluctant to report abuse if dependent on the perpetrator, such as family members or primary caregivers (Tyiska, 2001). The majority of these factors impact the willingness and ability of victims to report crimes (Tyiska, 2001; Tollefson, 2014). In other words, just as it is with other vulnerable groups, many of the crimes committed against people with disabilities go unpunished (Tollefson, 2014).

Tyiska (2001) indicates that in the case of a police report, legal and ethical practices concerning competence and consent can impede participation in the criminal justice process. According to the Victorian Equal Opportunity and Human Rights Commission's (2014) report, 'Beyond Doubt', the police ignore or fail to take seriously reports made by victims with acquired brain injuries, visual and verbal impairments, or mobility issues. In one case, police dismissed a blind victim of an assault because she could not give a visual description of the attacker (Victorian Equal Opportunity and Human Rights Commission, 2014). The possibility that the victim might have provided other valuable information, such as the sounds she heard or that there may have been other witnesses, was not taken into account. The police, instead of investigating, told the victim, "don't bother calling us". In turn, the responses of those charged with helping may further impede a victim's ability to report crime and exercise their rights.

People with disabilities also often encounter barriers due to societal assumptions and misconceptions, especially as victims of sexual assault. Among these are beliefs that people with disabilities are asexual or promiscuous, lie and/or exaggerate, and are unlikely to be sexually assaulted (Murray & Powell, 2008). In the worst case, it may be assumed that the assault did not psychologically harm them due to their cognitive impairment.

In addition, people with disabilities tend to be viewed as less than human and are often perceived as damaged (Robinson, 2012). As a result, these prevailing myths and attitudes can impact how family, friends, carers, and professionals respond to disclosures of victimization and may ultimately impact the willingness of the victim to reach out for assistance in the future (Murray & Powell, 2008). Negative responses may discourage a victim with disability from reporting abuse, assault, neglect, and other crime incidents, making them vulnerable to future victimization.

Criminal justice professionals and the victim support community also lack a comprehensive understanding of the individual characteristics and needs of victims with disabilities, making it challenging to provide assistance. Despite knowing these individual characteristics, there may be a lack of awareness of how to accommodate these characteristics and needs and receive support. In some cases, professionals have reported inadequate support to develop and maintain the skills needed to assist victims and witnesses with disabilities. Additionally, people with disabilities may lack access to communication aids to facilitate disclosure. As Murray & Powell (2008) note, "for people who use augmentative communication, the symbols or words for genitalia or rape are rarely found on communication boards." Hence, these victims have no way to describe their abuse.

People tend to consider cases that involve victims and/or witnesses with disabilities to be inherently difficult to investigate and prosecute. It is a false assumption that such victims almost always make incompetent witnesses or lack credibility (Sorensen, 2002; Victorian Equal Opportunity & Human Rights Commission, 2014). According to

Sobsey & Varnhaggen (1991 cited in Sorensen, 2002), 65% of cases reported to the police did not proceed because the victim was considered an incompetent witness. Victorian Equal Opportunity & Human Rights Commission (2014) revealed that police reach conclusions about a persons' credibility very early. As a result, cases may not be thoroughly investigated and prosecuted.

Although people with disabilities process and communicate differently, many can still provide reliable and credible accounts of their experiences. Akbas et al. (2009; cited in Robinson, 2012, p.15) examined 20 children with learning disabilities who had been sexually abused and found that these children could "consistently recall a thorough history of their experiences". Methods of questioning a victim with a disability can either enhance or diminish their ability to provide an accurate account of their victimisation. When cognitively disabled victims are questioned in a non-leading manner, provided with opportunities for free recall, and are not subjected to double negatives and rapid-fire questions, they give better accounts of their victimisation (Woodward, 2013). Therefore, changes to interviewing techniques may significantly improve the quality of evidence provided by people with disabilities.

In short, individuals and organisations' poor responses to help crime victims with disabilities may result in a secondary injury. Negative responses, such as not being listened to or believed, may discourage victims from making subsequent reports (Victorian Equal Opportunity and Human Rights Commission, 2014).

#### **4. Indian Reforms in Aid of Crime Victims with Disabilities**

The legislation governing the rights of people with disabilities in India has made significant progress in general and even more so in the case of crime victims with disabilities. There are three significant legal reforms in India ensuring special legal provisions for victims with disabilities: the Criminal Law Amendments, 2013, the Protection of Children from Sexual Offences (POCSO) Act, 2012, and the Rights of Persons with Disabilities Act, 2016. Additionally, India has some obligations under international law to protect the rights and interests of people with disabilities.

##### *4.1. Accommodations under the Criminal Law Amendments, 2013*

In India, the 2013 criminal law amendments provide accommodations to ensure that women with disabilities access the criminal justice system (Ministry of Law and Justice, 2013). These accommodations include:

- The right to record their statement with police at home or any other place of their choice ensures safety and comfort.
- Their right to videotape their statements to police and examinations.
- The right to assistance from a "special educator" or interpreter when recording a complaint or during the trial.
- Subject to cross-examination, exemption from the requirement to repeat their statement during the trial.

Despite these important legal provisions, there are still gaps in the protection of victims with disabilities. According to Human Rights Watch, the 2013 Amendments do not include adequate provisions for counselling and rehabilitation of victims with disabilities, specifically women and girls; equipping law enforcement officials and judges with the adequate skills to address the unique needs of women and girls with disabilities; and categorizing data by disability and gender (Human Rights Watch, 2018).

##### *4.2. Accommodations under the Protection of Children from Sexual Offences (POCSO) Act, 2012*

For children with disabilities, the POCSO act introduced specific accommodations. A child has the right to give his or her statement in the presence of a translator or interpreter. To record the statement and evidence of a child who has a disability, the Special Court shall seek the assistance of a special educator, a person familiar with the child's communication style, or an expert in the area (Human Rights Watch, 2018). POCSO act mandates police officers to record statements from all children, including children with disabilities, by Judicial Magistrate, following section 154(c) of the Criminal Procedure Code (Human Rights Watch, 2018).

#### *4.3. Protections under the Rights of Persons with Disabilities (RPwD) Act, 2016*

The issue of sexual violence against women and girls with disabilities is taken up seriously under the 2016 RPwD law. It mandates imprisonment and fines for violators who “offend the modesty of a woman with a disability.” Also, it protects people with disabilities from any form of abuse, violence, or exploitation with measures that need to be taken by appropriate governments, police authorities, and executive magistrates (Ministry of Social Justice and Empowerment, 2016).

The measures include establishing a reporting procedure for violence against people with disabilities, enhancing public awareness, and ensuring that people with disabilities have access to protection, free legal assistance, and connections with organizations that assist disabled people (Human Rights Watch, 2018).

#### *4.4. India's Obligations under International Law*

India is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social, and Cultural Rights (ICESCR), among others (Human Rights Watch, 2018).

Although these are essential steps, much more is yet to be accomplished to strengthen our responses to victims of crime with disabilities, including strengthening victim support services and reforming the criminal justice system in India.

### **5. Case Studies Highlighting the Challenges of Victims with Disabilities**

In India, several cases involving victims with disabilities highlight how challenging it is for the victims and their families to get answers from the police, receive medical care, navigate the criminal justice system, and obtain victim compensation, among other challenges. We examine some cases in this section to illustrate the challenges faced by disabled victims regardless of existing laws supporting them.

#### *5.1. Difficulties Interacting with Police and Accessing Medical Care*

Human Rights Watch found that women and girls were excluded from accommodations in some cases because they couldn't certify their disabilities. Even though women and girls had visible physical disabilities, police failed to include the details in the First Information Report (FIR), the document that initiates the criminal justice process. The lack of specific documentation in police reports makes it difficult for women and girls with disabilities to receive the assistance they need from police and court systems (Human Rights Watch, 2018). Maneka's case illustrates this.

15-year-old Maneka, both mentally and physically disabled, reported being raped by two neighbours in October 2015 (Yadavar, 2018). Although Maneka's family informed police of her age and disability, the FIR noted her age as over 18 and did not mention her disability. Therefore, she did not receive protection under the POCSO or 2013 criminal law amendments. The police's failure to record Maneka's physical and intellectual disabilities also undermined the evidence collection process.

Maneka's lawyer said that the officer who recorded her statement did not give her any accommodations required by the law, for example, support from a special educator. Maneka's lawyer also stated that the police's failure to video record her statement, a measure meant to alleviate the trauma of repeated testimony, contributed to the challenges she faced in litigating her case (Yadavar, 2018).

Maneka's mother, Soumya, said that Maneka was isolated from her family at the hospital and subjected to tests she did not understand. She was prescribed medicines, but no one explained what they were for. Medical professionals' failure to properly explain medical tests and procedures to women and girls with disabilities, and their families, may contribute to the trauma of sexual assault (Human Rights Watch, 2018).

### 5.2. *Difficulties Navigating the Criminal Justice System*

In 2013, Kanchana, a 19-year-old intellectually disabled woman from a village in Hooghly, West Bengal, was raped multiple times by a man in her neighborhood. Kanchana wasn't aware that she should report the rape; it was only discovered after she found out she was five months pregnant. It was still hard for her to explain what had happened (Human Rights Watch, 2018). Kanchana and her mother, Diya, have been to court five times since August 2013. They were not adequately informed of the court proceedings. Kanchana was asked to wait in the plaintiff's witness box in the courtroom, which Diya recalls as deeply traumatizing for her (Human Rights Watch, 2018).

Crime victims in India experience a slow and traumatic judicial process. However, for women and girls with disabilities, unfamiliar and stressful court environments are particularly challenging, especially during lengthy court cases. Women and girls with disabilities, as well as their families, often lack knowledge about their legal rights, including the right to legal representation (Human Rights Watch, 2018). It prevents them from advocating for their needs.

### 5.3. *Difficulties Obtaining Compensation*

As per victim compensation laws in India, every state government must facilitate compensation, including interim relief, where no trial can be held due to the lack of traceability or identification of the alleged offender (National Legal Services Authority, 2018). However, women and girls with disabilities face difficulty receiving compensation from the court or the Criminal Injuries Compensation Board, even in severe cases of violence, trauma, and economic hardship caused by childbirth (Human Rights Watch, 2018).

Compensation may never reach the person in need, even when awarded. Razia, a 13-year-old with an intellectual disability and difficulty speaking, was raped by her younger brother's 17-year-old tutor in Herbertpur, Uttarakhand, in August 2014. Razia and her family pursued justice through the courts with the support of the Latika Roy Foundation, an organization that supports children and adults with disabilities. The court granted Razia two lakh rupees as compensation (USD 3,100). However, the family has not yet received the money (Human Rights Watch, 2018).

The cases discussed here are not isolated or unique but rather highlight some of the systemic issues faced by crime victims with disabilities in India. It is essential to provide victims with disabilities access to the criminal justice system to exercise their rights as victims and participate fully in the criminal justice system if they wish (Murray and Powell, 2008; Robinson, 2012). In addition to demonstrating respect and dignity for victims with disabilities, such attention is also required to comply with national and international obligations.

## 6. **Optimising the Capacity of People with Disability to Participate in the Criminal Justice System**

The police are the gateway to the criminal justice system. They play a crucial role in improving access to justice for victims by identifying victims' unique abilities and disabilities, and needs at the earliest possible (Ministry of Justice 2011). The police should create an environment that promotes and supports disclosures of victimization by persons with disabilities. Police must ensure that the victims are treated with dignity and respect. Then they are more likely to have confidence in the criminal justice system and provide better evidence in court as witnesses (Ministry of Justice 2011; Murray & Powell 2008). In all cases, the autonomy of the victim is paramount. It is the police's responsibility to support victims in making their own decisions, including not making a formal report or withdrawing a report (Attorney-General's Department, 2014).

The criminal justice system must offer equal opportunities to participate to victims with disabilities (Ministry of Justice, 2011). Participation in this process is facilitated or inhibited by responses from those tasked with assisting crime victims and people with disabilities. Those who are first to interact with victims have a unique opportunity to help them cope with the trauma of crime and regain a sense of control over their lives, as "the ways victims cope with their victimisation depend largely on their experiences following the crime" (Office for Crime Victims, 2002, p.1). Police, advocates, medical officers, and judges should receive appropriate training regarding the rights



of sexual violence victims, particularly women and girls with disabilities. Police and courts need access to special educators who can identify disabilities accurately and provide support and suitable accommodation (Human Rights Watch, 2018). In addition, victims with disabilities need access to specially trained people who can explain their rights as victims of crime, assist them in exercising those rights, and allow them to give an accurate and complete account of their victimisation experiences (Ministry of Justice, 2011).

The provision of effective services to people with disabilities requires specialized knowledge about victims' needs, their different levels of ability/disability, potential difficulties they may have in communicating what has happened, and the additional power issues that may exist if the perpetrator is a caregiver (Dillon, 2010; Victorian Equal Opportunity & Human Rights Commission, 2014). To accommodate the needs of victims with disabilities, those helping them, especially the police, must be equipped with specialized knowledge and skills (Victorian Equal Opportunity & Human Rights Commission, 2014; Ministry of Justice, 2011). It is important to consider the physical environment, communication aids, independent third-party support, as well as the timing, duration, and location of any interviews with the victim (Victorian Equal Opportunity & Human Rights Commission, 2014). Police investigators must tailor their approach based on a victim's capabilities and needs (Ministry of Justice, 2011).

Woodward (2013) argues that, in England and Wales, intermediaries are the best method of assisting victims with complex communication needs. Using intermediaries can help vulnerable victims, such as those with disabilities, give their best evidence in court by focusing on their specific communication needs and making sure that they understand questions and communicate their answers (Woodward, 2013).

An intermediary is likely to be involved throughout the criminal proceedings and has several key responsibilities, including assessing the communication needs of the victim/witness. After the assessment, the intermediary should advise the police and courts on how the victim/witness communicates and his/her level of understanding. Also, the intermediary can suggest to the police and/or court how to phrase questions to the witness to obtain the best evidence from the victim/witness (Woodward, 2013). A victim/witness intermediary is not an advocate and must remain impartial at all times when assisting them. In other words, an intermediary cannot protect a victim/witness from distressing questions and cannot change the substance of their testimony (Woodward, 2013). Although intermediaries are appealing, it must be noted that this model is a resource-intensive one that requires a significant amount of resources to recruit, train, and employ appropriate personnel. When adopting a model from another jurisdiction, it is important to carefully compare societal, political, and economic factors.

Many of the barriers faced by victims with a disability can also be mitigated by making the criminal justice system more accessible and transparent by providing information in appropriate formats (Edwards et al., 2012). Such information should explain criminal justice processes and procedures, how to report a crime, and access support (Edwards et al., 2012).

All state and local health department functionaries must adopt and implement the *Guidelines and Protocols for Medico-Legal Care for Survivors/Victims of Sexual Violence* (2014) formulated by the Ministry of Health and Family Welfare. All medical professionals must be trained according to these guidelines. In addition, there must be a uniform victim compensation scheme across all Indian states for providing compensation to victims of sexual violence and other serious crimes, including women and girls with disabilities. The compensation awarded must also take into account the additional costs incurred and the urgent needs of victims with disabilities (Human Rights Watch, 2018).

**Key strategies for optimising the capacity of victims with disabilities to participate in the criminal justice system**

- Treat victims with disabilities with dignity and respect their autonomy
- Provide information in various formats that explain criminal justice processes and procedures, how to report a crime, and seek support.
- Provide assistance from specially trained personnel
- Create an environment that encourages and supports people with disabilities to report victimisation
- Provide victims with disabilities with every opportunity to provide a complete and accurate account of their victimisation
- Assess and accommodate the different needs of people with disabilities, particularly during the interviewing process
- The physical environment, timing, duration, and location of interviews should be considered to enhance disclosure
- Consider using communication aids and/or seeking independent support from third parties
- Encourage the police investigator to tailor his/her approaches according to the victim's abilities and needs
- Make objective decisions without being influenced by stereotypes and false assumptions
- Design and provide specialized training for criminal justice professionals
- Train staff from the disability sector about responding to alleged criminal incidents

**7. Conclusion**

The evidence indicates that both children and adults with disabilities are disproportionately at risk of being victimised and re-victimised by offenders. Additionally, crimes against people with disabilities are reported at lower rates and result in fewer prosecutions, concluding that disabled victims are denied access to justice.

In this paper, we have explored several ways to improve the responses to disabled crime victims. In determining the most appropriate ways to assist victims with disabilities, it is important to consider the current social, political, and economic environment in India. As part of this, we should consider whether additional obligations could be placed on criminal justice professionals, such as the police. There is a risk that other obligations to accommodate the needs of individuals with disabilities can result in obligation fatigue, which could ultimately result in unintended and unwanted consequences such as a call to roll back victims' rights in general (Groenhuijsen, 2014). Nevertheless, efforts need to be made in India and many other countries to ensure that victims with disability can fully participate in the criminal justice system, exercise their rights as victims of crime, and receive appropriate assistance in the aftermath of a crime. Furthermore, steps must be taken to ensure that India complies with the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the United Nations Convention on the Rights of Persons with Disabilities and national obligations.

Ultimately, for people with disabilities to have greater access to justice, it needs to be widely accepted amongst the police, the legal profession, the judiciary, the disability sector, and the general public that people with disabilities can, in many instances, provide credible and reliable accounts of their experiences if supported to do so. This cultural shift sends a clear message to those who take advantage of people with disabilities that such crimes will be pursued and prosecuted successfully (Sorensen, 2002).

To enhance the participation of victims with disabilities in the criminal justice system, we must be careful not to set unrealistic expectations. Despite all legislative and/or cultural changes, there will always be victims with disabilities who are unable to participate in the criminal justice system. Whenever such circumstances arise, the emphasis should be on maximizing victims' access to appropriate victim assistance programs.

Before implementing any new strategies, victims with disabilities must be consulted to precisely determine what they need instead of constructing solutions based on academic and professional opinions (Victorian Equal Opportunity & Human Rights Commission, 2014). Furthermore, monitoring and evaluating such solutions is

crucial to ensure they meet their intended objectives and do not generally cause unintended consequences for people with disabilities or victims.

Finally, victimology must begin to see people with disabilities as a special category of victims to assist them better in the aftermath of crime. This may help shatter the silence surrounding crimes against people with disabilities (Tollefson, 2014).

### Funding

The author(s) received no financial assistance towards the research, authorship and/or publication of this article.

### Conflict of Interest

The authors declare that they have no conflict of interest.

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