DIFFERENTLY ABLED WOMEN IN INDIA: ISSUES AND CHALLENGES

Introduction

“Women with disabilities are marginalized within an already marginalized group”

………………..Morgan (2003)\(^1\).

Women in India face discrimination due to gender bias while disabled women face multiple discrimination by being both women and disabled. International Human Rights guarantees, women with disabilities still suffer from wide ranging deprivations in terms of economic, political, social, and health opportunities (Deegan & Brooks, 1985; Fine & Asch, 1988)\(^2\). As per Census 2001, the All India disability population is 21,906,769 out of which 9,301,134 are female. There are Disable women who have one or more impairments and experience barriers in society. We include differently abled girls and women of all ages, in rural and urban areas, regardless of the severity of the impairment, and regardless of cultural background, or whether they live in the community or an institution. Differently abled women in poor countries usually experience a particular disadvantage. Here, it is not just difficult but often impossible for these disabled to get education, or find a job. They easily become marginalised; have no place in society. They do not meet the requirements society places on them; they cannot be “good wives” or “good mothers” or “good off springs” according to common wisdom. They cannot earn their living or mingle with others of their age because of barriers of access and attitude. Disabled women in India face numerous challenges. In the absence of well coordinated government policies, disabled women live under extremely difficult conditions. The women with disabilities in India are also discriminated against equality. Discrimination depriving

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differently abled women is a vital life experiences, and therefore they are deprived of equality of opportunity (World Bank 2007)\(^3\).

**International Norms Concerning Differently Abled Women:**

The International Human rights instruments address the rights of individuals as well as Differently Abled Persons. There is specific number of international human rights instruments, which contributes to the promotion of the human rights of Differently Abled Persons. They are as follows:

- Article 45 of the *World Programme of Action Concerning Disable Persons* speaks of the special situation of women with disability. It talks about social, cultural, and economic obstacles that affect the health of women. Differently Abled Women have a lack of access to health care, vocational training and employment.

- The preamble of the convention on the *Elimination of All Forms of Discrimination against Women* states that…. discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic, and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity. The convention is also concerned that women in poverty have the least access to food, health, education, training, and opportunities for employment and other needs (CEDAW 1979)\(^4\).

- The *International Covenant on Civil and Political Rights* specifically guarantees certain rights to women and prohibits all discrimination based on sex. Article 3 speaks of the equal rights of men and women (ICCPR 1976)\(^5\).

- Part II, Article 2(2) of the International Covenant on Economic, Social and Cultural Rights states that the rights enunciated in the present covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 3 states that the

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\(^4\) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, adopted in UN General Assembly.

\(^5\) International Covenant on Civil and Political Rights (1976).
equal rights of men and women to the enjoyment of all economic, social, and cultural rights set forth in the present covenant. Article 10 states that special protection should be given to mothers during childbirth (ICESCR 1966)\(^6\).

- The preamble of the *Declaration on the Elimination of Violence Against Women* states “that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women with disabilities, elderly women, are especially vulnerable to violence”. Article 4 states that “any act of gender based violence that result in, or is likely to result in physical, sexual, or physical harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life( DEVAW 1967)\(^7\).

- Paragraph 5 of the *Vienna Declaration and Programme of Action* states that human rights are universal, indivisible and independent. Paragraph 18 provides for the elimination of gender based violence and all forms of sexual harassment and exploitation. In addition, it calls for the eradication of all forms of discrimination on grounds of sex (Vienna Declaration 1993)\(^8\).

- In the *Copenhagen Declaration and programme of Action* mention that “promote changes and attitudes, structures, policies, laws and practices in order to eliminate all obstacles to human dignity, equality and equity in the family and in society, and promote full and equal participation of urban and rural women and women with disability in social, economic and political life including in the formulation implementation and follow up of public policies and programmes”( Copenhagen Declaration 1995)\(^9\).

\(^7\) Declaration on the Elimination of Violence Against Women (1967).
\(^8\) Vienna Declaration and programme of Action (1993), World Conference on Human Rights, Vienna, 14-25 June.
\(^9\) The Copenhagen Declaration and Programme of Action (1995), World Summit for social Development, United Nations, Department of Economic and Social Affairs, Economic and Social Development.
Status of Differently Abled Women in Developing Countries

In developing countries, women are too often denied access to education, rehabilitation, labour protection, and health care because of cultural preferences for males. Subsequently Differently Abled Women are the last priority in these countries, and are condemned to live their lives knowing that they will not improve. Differently Abled Women’s lack of access to health care will aggravate their disability and make it difficult for them to be rehabilitated quickly, this is turn ensures that their positions will not improve. Violence perpetrated against women is one of the major causes of disability among women in developing countries. Furthermore, women who are already disabled are even more vulnerable to violence (Kumar 2007).

Differently Abled Women in India

Whom do we call the Differently Abled Women?
Differently Abled Women are women who have one or more impairments and experience barriers in society. Differently Abled girls and women of all ages, in rural and urban areas, regardless of the severity of the impairment, regardless of sexual preference and regardless of cultural background, or whether they live in the community or an institution (Kumar 2007).

Differently Abled Women and Access to Health Care

When we look into the demographic data across the world, majority disabled population lives in developing countries due to their bio-socio and economic condition. Disabled women in this world are living in developing countries. In many countries women are at a much higher risks to become disabled because of malnutrition especially disabled women. The reality is that women with the access to health care are those with the economic resources alone. Without having a medical insurance; lack of access and affordability; and low income, disabled women are denied reproductive justice (CEDAW 1979). Disabled women need access to health care and the health care services need to be respectful and non discriminating. Governments bear the ultimate responsibility that doctors and other health care providers begin to respect the human rights of disabled women. It has been reported by Therasia Degener(2000) that our situation with respect to access to health care and delivery can be summarised in to two points (1) disabled women have either no access to health care or (2) disabled women’s human rights are violated in the context of health care. While elaborating

10 Dileep Kumar, Women with Disability: Human Right Issues, Justice and Empowerment.
11 Declaration on the Elimination of Discrimination against Women.
her first point Theresia indicate that the disabled women do not get the appropriate information and treatment regarding reproductive health care. Disabled women rarely get information about sexuality, birth control, sexually transmitted disease or pregnancy and motherhood from mainstream health care facilities. If disabled women get these services at all they get them from friends and from the disability community. On the second point, human rights violations in the context of health care delivery. Medical practitioners are often the human rights violators because they render degrading and humiliating treatment of disabled women. The aim of mainstream medicines is to cure and fix the body and mind of the patients. Disability is a permanent deviant condition is thus a constant challenge to medical practitioners. As a result disabled persons are often victimized as objects of medical experimentation and degrading treatment. Girls who are born without or with impaired limbs are forced to wear prostheses when they are still infants. Often doctors have no respect for disabled women’s right to privacy. As a result many women with disabilities who live independently choose not to see a doctor at all.

**Women with Disability and Right to Abortion**

Marsha Saxton (1999)\(^{13}\) indicates here in this circumstance that the goals of the reproductive rights and the Disabled women’s Health movement differ on the issue of reproductive freedom. The disability rights movement believes that disabled women have the right to bear children and be mothers; abortion right believes that all women including disabled women have the right to make their own reproductive choices. No woman should be persuaded to either terminate or carry a pregnancy to term, whatever her situation and whether or not the foetus shows signs of impairment. The decision of any woman to have an abortion for reasons of impairment is hers alone and should be respected.

**Women with Disability and Forced Sterilization**

Bruni (1996)\(^{14}\) indicates that a form of disabled abuse is reproductive and family structure abuse. Women who are disabled are routinely denied their rights to marry, have a family, adopt, and have control over their reproductive system. Some women forced to sterilization or abortions, the woman in question as a disabled persons has lost all control over her rights to choose whether or not to bear the child, as well as any parental rights.

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Reproductive Rights of Women and Girls with Disabilities

No group has ever been as severely restricted, or negatively treated, in respect of their reproductive rights, as women with disabilities (Rashida 2012)\textsuperscript{15}. The CRPD Committee has clearly identified that discrimination against women and girls with disabilities in areas of sexual and reproductive rights, including gender-based violence, is in clear violation of multiple provisions of the CRPD. The CRPD Committee has explicitly articulated the urgent need for States Parties to address these multiple violations. Whilst it is outside the scope of this Briefing Paper to address in detail the extensive, pervasive and unresolved raft of sexual and reproductive rights violations of women and girls with disabilities around the world, the following examples are provided to highlight just some of the key issues and to serve as a human rights-based way to assess other violations.

Gender Based Violence:

Multiple and intersecting forms of discrimination contribute to and exacerbate violence against women and girls with disabilities.\textsuperscript{16} Although women with disabilities experience many of the same forms of violence all women experience, when gender and disability intersect, violence has unique causes, takes on unique forms and results in unique consequences. Further, women and girls with disabilities who are also members of other identity groups can be subject to particularised forms of violence and discrimination. Despite the evolution of normative frameworks concerning both the human rights of women and of persons with disabilities, the impact of the combined effects of both gender and disability have not gained sufficient attention and violence remains at shockingly high rates when these multiple identities collide. Violence against women with disabilities occurs in various spheres including the home, the community, perpetrated and condoned by the State and private institutions and in the transnational sphere. The forms of violence to which women with disabilities are subjected are varied: physical, psychological, sexual and/or financial violence, neglect, social isolation, entrapment, degradation, trafficking, detention, denial of health care and forced sterilisation and psychiatric treatment, among others. Women with disabilities are twice as likely to experience domestic violence as non-disabled women, and are likely to experience abuse over a longer period of time and to suffer more severe injuries as a result of the violence. The perpetrator of the violence may also be their caregiver, someone that the individual is reliant on for personal care, mobility or other types of support. Yet for many women with disabilities,


\textsuperscript{16} Manjoo, Rashida (2012) OpCit .
identification and recognition that violence in their lives is a problem or a crime remains a significant issue. They may have difficulties in recognising, defining and describing the violence; have limited awareness of strategies to prevent and manage it; and lack the confidence to seek help and support. Frequently they do not report the violence, they often lack access to legal protection; law enforcement officials and the legal community are ill-equipped to address the violence; their testimony is often not viewed as credible by the courts; and they are not privy to the same information available to non-disabled women. The lack of appropriate, available, accessible and affordable services, programs and support is a factor that increases and contributes to violence against women and girls with disabilities.\textsuperscript{17} Sexual and gender-based violence also contributes to the incidence of disability among women.

International and regional human rights bodies have recognised that women and girls with disabilities throughout the world experience, and are more vulnerable to, all forms of violence, exploitation, abuse and neglect, and have called on States to urgently address this global problem that remains largely ignored by governments and other actors. Violence against women and girls with disabilities has devastating social, economic and inter-generational consequences and jeopardises their sexual and reproductive health and rights.

**Differently Abled Women and Human Rights**

Approximately around 300 million women across the world have mental and physical disabilities\textsuperscript{18}. Women constitute 75 percent of the disabled people in low and middle income countries and comprise 10 percent worldwide. Due to the gender bias in the allocation of the scare resources and in access to services, women are more likely than men to become disabled during their lifetime. Girls and women are less likely to receive medical attention than boys and men, particularly in developing countries, where medical care is considerably distant from home.

It is seen that disable girl and women face the spectrum of human rights abuse than nondisabled womens face, it is said that , their social isolation and dependence magnifies these abuse and their consequences . Women fare less in the field of education , profession, financial and social success than non disabled women and disable male counter parts. In countries law


\textsuperscript{18} www.hrw.org/women/disabled/html.
avertly discriminate against disabled women and men including by barrying them from marrying if they have any form of disability.\textsuperscript{19} Further their sexual and reproductive rights are grossly abused.\textsuperscript{20}

Women with disability are forced to sterilization and abortion sometime. They experienced discriminatory attitude about their parenting abilities and denial of information about reproductive health and contraceptives. Although the abuse against women and girls are rampant they are largely ignored. Justice system fails to accommodate disabilities for women to prove abuse of their human rights. Many civil social groups and NGOs have mushroomed and have recognized the lack of insight and priority among policy makers and Legislators to mental health concerns. Help lines Friendly and Non professional counselling is given to patients in need of professional health support. The govt of India has come out with many programmes to rehabilitate abandoned disable women and girls by encouraging their adoption in families support to house them and impart them training for gainful employment skills.\textsuperscript{21}

**Differently Abled Womens Rights PARADIGM Shift**

In the modern era one should envisage systemic and social shift in attitudes towards people with disabilities through right perception and movement for their justice at larger context.

a) Disable women must have and enjoy the same human rights as nondisabled women.

b) Disable women has the right to womanhood.

c) Disable women has the right to control their own fertility.

d) Disable women must have right to decide freely and responsibly on the number of and spacing of their children.

e) Disable women has the right to decide on their personal reproductive choices.

f) Disable women must not be discriminated against on the ground of religion, race caste, sex place, origin, age, health, conviction, opinion, disability or other ground related to her personal life.

g) A disabled woman has the right to opportunities which promote learning self-determination, choice, and fulfilment.

\textsuperscript{19} The Report prepare by the NHRC in the year of 1999.

\textsuperscript{20} The Report has been made by the CNN.

\textsuperscript{21} The govt of India has taken up a programme to provide financial support to women with disabilities so that they may hire services to look after their children.
h) Disabled Women has equal access to services, equal opportunities for employment and involvement.

i) Disable women has the right to adequate health care and so on.

**Conclusion**

The first problem lies with the family members because the care takers have to be cautioned more so that they will encourage the WWDs and try to make them self sufficient. If they show the real love and affection accepting their disability then they will not think them as a burden. Every family member will keep an eye watch about the outsiders, relatives or neighbours so that they will not take advantage of the WWD during the absence of their family members, particularly in case of blind or mentally disorder patients. The study also tried to find out the relations between categorization of disability, economic standard, educational qualification, monthly income with women empowerment, satisfaction level, sexual abuse, mental/physical harassment, husband’s extra-marital affairs etc. It clearly shows that due to their disability, most of them are subject to violence, betrayed by husband; they are deprived of good education, livelihood for which they feel that they are being marginalized. Here the role of guardians, family members, society, social worker and government is very important to make them inclusive and lead a happy life.

Education, opportunity, care, trusts and loves are what they are looking for. There are numerous examples that set examples as disabled like scientist Hawkins, dancer Sudha Chandran, Hellen Keller etc. Thus if given proper education, opportunity, care, trusts and love the disability can be turned to “THIS” Ability.