



Closing the Gap in Addressing Sexual and Reproductive Rights and Violence Against Disabled Women

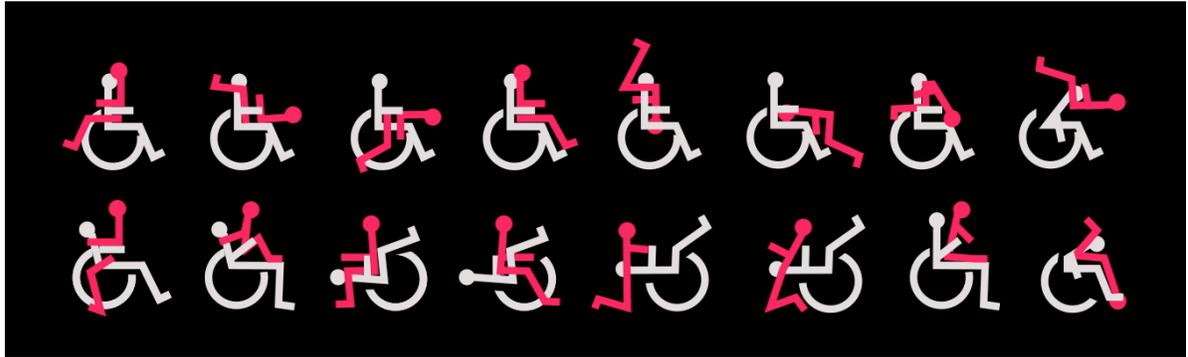


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Myth: Girls living with disabilities do not need sexuality education

Myth: Hysterectomy is the best way to maintain menstrual hygiene and to protect girls with intellectual disabilities from unwanted pregnancies

Myth: When women with disabilities get pregnant the best solution is for them to have an abortion or give the newborn child for adoption

Introduction

CREA believes that sexual and reproductive rights are fundamental human rights. CREA's work on sexuality and disability addresses misconceptions and prejudices about disabled women's sexuality and sexual and reproductive health and rights (SRHR). This is critical as it has a profound impact on their daily lives in the form of violence, discrimination and stigma. Our work seeks to provide disabled women with information, change public perception on these issues and influence laws and policies to be more inclusive of disabled women's rights.

Scale of the Problem

Women with disabilities make up a significant part of the world's population. According to the 2011 World Report on Disability of the World Health Organization and World Bank, it is estimated that approximately 15 per cent of the world's population lives with some form of disability and amongst this there are higher number of women compared to men. The Census of India, 2011 estimates that 2.21 percent of the Indian population has a disability – including 1.5 million with intellectual disabilities. However, the Ministry of Health and Family Welfare claims that over 6-7 percent of the population has psycho-social disabilities

alone. Yet just 0.06 percent of India's federal health budget is devoted to mental health (Human Rights Watch, 2014).

Despite the evolution of United Nations Conventions that provide the normative frameworks concerning both the human rights of women (Convention on the Elimination of All Forms of Discrimination against Women – in short CEDAW) and of persons with disabilities (Convention on the Rights of Persons with Disabilities – in short CRPD) the impact of the combined effects of gender and disability has not gained sufficient attention. Violence against women with disabilities and their sexual and reproductive health and rights remains largely unaddressed.

Research has shown that 11% of disabled women face sexual violence by their intimate partner. Often, women allow this violence to go on for very long periods - sometimes years and decades.
- CREA's Count Me In Research Report

A 2012 Report by the Special Rapporteur on Violence against Women, UN Human Rights Council highlighted the fact that most countries, including India, lack a specific and comprehensive law, policy or programme on persons with disabilities in general or on women with disabilities in particular. Countries like India, which have a specific law on violence against women, do not include adequate provisions to address violence against disabled women. India, like many other countries, also lacks institutional mechanism such as a national committee or council on women and disabilities. As a result of all of the above government responses have been weak in addressing violence and SRHR violations against disabled women. A Human Rights Watch report (2014) has highlighted the extent of abuse in government institutions including abuse, torture, sexual violence and rape. There is also state sanction of forced sterilisation and hysterectomy explained as being for 'their own good' for women with intellectual disabilities.

Envisioned Change

A number of international and regional frameworks, such as the CRPD and the Incheon Strategy to 'Make the Right Real' for Persons with Disabilities in Asia and the Pacific have provisions on the rights of women with disabilities. This includes autonomy and self-determination, the right to make free and informed decisions and have full control over their body, sexuality, health, relationships, and if, when and with whom to partner, marry and have children - without any form of discrimination, stigma, coercion or violence.

CREA works towards realising these rights and formulates its strategies and work in accordance with this broad vision:

- An empowered and connected civil society (including disability rights, women's rights and SRHR activists) that is able to demand accountability from the government at the national level as well as at the United Nations and regional forums such as ASEAN and SAARC.
- Capacity building to ensure effective advocacy by women disability rights activists at international, regional and national level.
- Increased access to information for disabled women themselves particularly on laws and policies to be able to seek redressal and justice

Analysis and Strategies

The United Nations Convention on Rights of People with Disabilities (CRPD), 2006 is a significant step toward ensuring that societies recognise that people with disabilities must be provided opportunities to live life to their fullest potential. The Convention marks a shift in thinking about disability as a subject of social welfare and charity to a human rights issue. Several articles (6,16, 23) in the CRPD deal specifically with rights of women with disabilities related to leading lives free of violence and to be able to enjoy their sexual and reproductive health and rights.

The CRPD, though powerful in its intent, serves as a Bill of Rights for persons with disabilities. The implementation, however is left to the discretion of governments, who need to frame and adopt appropriate legislations and policies to realise the potential of this Convention. The Government of India ratified this Convention in 2007. During 2014, the Indian government reintroduced a previous draft Bill titled the Rights of Persons with Disabilities Bill, 2012 in the Parliament. The draft Bill dilutes most of the provisions of the CRPD specifically the Articles cited above. Due to criticism and protests the Bill was withdrawn and has been referred back to the Standing Committee of the Parliament for further deliberations. This has created renewed opportunity to advocate for a more inclusive and comprehensive legislation.

'Disability may mean that you talk or walk differently. But that doesn't mean you deserve to be mistreated or abused. It can be more difficult for you to stand up against it, but you must. Because violence is such that if you don't stop the first, it will compound with the second, and they will join hands with the third.'

- SNEHA (Society for Nutrition, Education and Health Action), Mumbai, CREA's research partner

Strategy 1: Hold Government of India accountable on the basis of the periodic reports it submits as part of CRPD, CEDAW and at the Human Rights Council

Since 2005 CREA has been part of a global south coalition - Sexual Rights Initiative - at United Nations Human Rights Council (HRC). As part of the Initiative CREA partners with Global South SRHR activists to make making submissions through the Universal Periodic Review (UPR) mechanism where countries present their status reports on human rights achievements. In addition, CREA and other partners of this Initiative organise side events, take part in panel discussions organised by the Office of the Human Rights Commissioner and prepare thematic reports that are submitted to the HRC Committee as well as to Special Rapporteurs appointed by the HRC on various thematic issues.

Strategy 2: Creating evidence of violence against and lack of SRHR of disabled women

From 2009-2011, CREA carried out its ground breaking Count Me In! Initiative (CMI). As part of this initiative CREA conducted the first-ever multi-country action research on violence against lesbian women, female sex workers, and disabled women in Bangladesh, India, and Nepal.

The CREA publication, Free and Equal, narrates the story of 15 marginalised persons from South Asia, including Bangladesh, India, and Pakistan, and provides a vivid first-person account of marginalised experiences.

Strategy 3: Capacity Building of global South activists and organisations

CREA conducts various Institutes in English and Hindi on issues related to sexuality, gender, disability and rights. This includes the Sexuality, Gender, and Rights Institute; Feminist Leadership, Movement Building, and Rights Institute; and Disability, Sexuality, and Rights Online Institute.

Strategy 4: Creating resources that can be directly accessed by disabled women to become aware of their rights

CREA along with Mumbai-based Point of View (POV)¹, co-hosts an online resource on sexuality and disability: sexualityanddisability.org, which was created with active support of women with disabilities and activists. This website has served as a dynamic and effective hub, and has been particularly useful in providing information, since women with disabilities in India are often confined within their homes. The site now has up to 5,000 views per month and more than 27,000 unique visitors. Numerous requests for translating the content of the website in Hindi and various other global languages have been received.

Strategy 5: Lobbying and Advocacy through Coalitions and Networks

CREA's efforts are dedicated to creating networks for social change and, in particular, to building South-South alliances. Over the years, CREA has been part of various international and national human right networks. These include the Association of Women's Rights in Development (AWID); the Youth and Asia Resource Centre on Sexuality; Voices against 377, an India-based coalition challenging Section 377 of the Indian Penal Code that criminalises same sex behaviour; and Action Plus, a coalition of 15 NGOs that works on issues related to HIV/AIDS.

CREA's Count Me In! South Asia Conference on Violence Against Marginalised Women included over 300 participants, including sex workers, disabled women, single women, young women, lesbians, HIV-positive women, and trans people from India, Pakistan, Nepal, Bangladesh, and Sri Lanka. One of the important outcomes was the creation of new networks including one comprising disability rights groups to advocate around the United Nations CRPD.

CREA and Point of View organised the participation of ten sexuality and disability rights activists from India at the 1st Global Conference on Sexuality and Disability held during 2014. Besides several presentations CREA also hosted a Roundtable titled 'Inter-movement Dialogue: Disability, Sexuality, Gender and Rights'. Through their participation and presentations at this conference, disability and sexuality rights activists from the Global South were able to bring their perspectives to the international discourse, thus expanding and enriching it, as well as build their own networks and knowledge on various issues related to sexuality and disability.

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<http://www.pointofview.org/>