



Women with Disabilities

As many as 28.6 million women in the United States live with a physical, cognitive, or emotional disability.¹ Reproductive justice for women with disabilities demands equal rights to sexual and reproductive healthcare, education, and expression.²

Compulsory Sterilization

The United States practiced forced and coercive sterilization of people with disabilities throughout the nineteenth and twentieth centuries.³ Mandatory sterilization laws passed in thirty states remained on the books until the 1970s.⁴

- The 1927 landmark case *Buck v. Bell* legalized sterilization for eugenic purposes.⁵ The U.S. Supreme Court has never directly overruled *Buck*.⁶
 - In April of 2008, the Illinois Appellate Court ruled that K.E.J., a woman with cognitive disabilities, had a right to a court hearing after her guardian petitioned to have her involuntarily sterilized. The court found a fundamental right of personal inviolability and refused to grant the petition based on the best interest of K.E.J., who said she would like to have children.⁷
- Among others, sterilization efforts targeted women with epilepsy, developmental disabilities, and hearing and visual impairments.⁸
- By 1979, the US had sterilized over 65,000 Americans.⁹
- Today, women with disabilities still contend with coercive tactics designed to encourage sterilization or abortions because they are not deemed fit for motherhood.

Violence Against Women with Disabilities

About 10-13% of women with disabilities report having experienced abuse, similar to the number of women without disabilities.¹⁰

- Women with disabilities experience a longer duration of abuse, more abusers, and more incidents of abuse than non-disabled women.¹¹ They are especially likely to face abuse by their caretakers and healthcare providers.¹² Since they may depend on their abusers for

¹ Women With Disabilities, NCBDD, CDC, <http://www.cdc.gov/ncbddd/women/default.htm> (last visited Aug. 17, 2008).

² SIECUS, Publications: Sexuality and Disability, <http://65.36.238.42/pubs/biblio/bibs0009.html> (last visited Aug. 17, 2008).

³ P.R. Reilly, Involuntary Sterilization in the U.S.: A Surgical Solution (abstract), 62 Q. REV. BIO. 153 (1987), available at

http://www.ncbi.nlm.nih.gov/sites/entrez?cmd=Retrieve&db=PubMed&list_uids=3299450&dopt=Abstract.

⁴ Dave Reynolds, NC Governor Issues Sterilization Apology, INCLUSION DAILY EXPRESS, Dec. 16, 2002, available at http://www.ragged-edge-mag.com/drn/12_02.shtml.

⁵ *Buck v. Bell*, 274 U.S. 200 (1927).

⁶ David Pfeiffer, Ph.D., Eugenics and Disability Discrimination, 9 DISABILITY AND SOCIETY 481 (1994), available at <http://www.independentliving.org/docs1/pfeiffe1.html>.

⁷ Michael Higgins, Court Denies Bid to Sterilize Mentally Disabled Woman, CHICAGO TRIBUNE, April 18, 2008, available at <http://www.chicagotribune.com/news/local/chi-sterilize-mentally-disabled-web-apr19,0,7959017.story>; *In re Estate of K.E.J.*, 887 N.E.2d 704, 718 (Ill. App. Ct. 2008).

⁸ Sterilization of America, Center for Individual Freedom,

http://www.cfif.org/htdocs/freedomline/current/in_our_opinion/un_sterile_past.html (last visited Aug. 17, 2008).

⁹ *Id.*

¹⁰ Women'sHealth.gov, Violence Against Women: Violence Against Women With Disabilities, <http://womenshealth.gov/violence/groups/wwd.cfm> (last visited Aug. 17, 2008).

¹¹ *Id.*

¹² *Id.*

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care, however, they often feel trapped and fear reporting the abuse. When they do report abuse, police and courts may not believe their testimony because of prejudiced attitudes.¹³

- Women with disabilities experience a higher incidence of sexual abuse and rape; it has been estimated that perhaps 20% of these incidents are actually recorded.¹⁴ Some women may not recognize the abuse for what it is because of a lack of adequate sex education.

Sexuality

Because of strict societal standards of beauty and sexuality, many people fail to recognize the sexual personhood of women with disabilities. Common misconceptions include beliefs that women with disabilities are asexual, do not have sex, and do not need reproductive healthcare. These beliefs may lead healthcare providers to neglect the sexual and reproductive health of patients with disabilities, who in fact have the same concerns and needs as other women.¹⁵

- In a national study of women with physical disabilities, half of the women reported that they were currently sexually active. Only 6% said they had never had sex.¹⁶
- Levels of desire of women with and without disabilities have been found to be the same. Somewhat lower rates of sexual activity among women with disabilities reflect the societal barriers many face in finding partners.¹⁷

Lack of Reproductive Healthcare

Women with disabilities are less likely to receive information on contraceptive options and screening for STIs than the general population. According to the Center for Research on Women with Disabilities, gynecologists are less likely to ask women with three or more functional limitations or obvious physical disability about contraceptive options.¹⁸

- One U.S. study found that only 19% of physically disabled women received sexuality counseling.¹⁹
- Doctors often fail to test women with disabilities for STIs, assuming that they are not sexually active.²⁰
- Women with disabilities are further discouraged from seeking reproductive healthcare due to their doctors' lack of knowledge of disability-related symptoms such as spasticity, imbalance, and autonomic dysreflexia.²¹

¹³ DAWN Ontario, Family Violence Against Women With Disabilities, http://dawn.thot.net/violence_wwd.html (last visited Aug. 17, 2008).

¹⁴ *Id.*

¹⁵ OBGYN.net, Gynecologic Care for Women with Developmental Disabilities and Other Special Needs, http://www.obgyn.net/displayarticle.asp?page=/ENGLISH/PUBS/FEATURES/special_needs (last visited Aug. 17, 2008).

¹⁶ National Study of Women with Physical Disabilities: Sexual Functioning, http://www.bcm.edu/crowd/national_study/SEXFUNC.htm (last visited Aug. 17, 2008).

¹⁷ Paralysis Resource Center, Sexuality for Women, http://www.paralysis.org/site/c.erJMJUOxFmH/b.1306553/k.F2A4/Sexuality_for_Women.htm (last visited Aug. 17, 2008); National Study of Women with Physical Disabilities: Relationships, http://www.bcm.edu/crowd/national_study/RELATION.htm (last visited Aug. 17, 2008).

¹⁸ Access to Health Care: General Information, <http://www.crowdbcm.net/healthcare/Access-gen.htm> (last visited Aug. 17, 2008).

¹⁹ Center for Reproductive Rights, Reproductive Rights and Women With Disabilities: A Human Rights Framework, http://www.reproductiverights.org/pdf/pub_bp_disabilities.pdf (last visited Aug. 17, 2008); Haefner et al., Contraception in Women with Special Needs, 24 *COMP. THER.* 238 (1998).

²⁰ *Id.*

²¹ Baylor College of Medicine Center for Research on Women with Disabilities, Sexuality and Reproductive Health—Sexually Transmitted Infections, <http://www.bcm.edu/crowd/?pmid=1451> (last visited Aug. 17, 2008).



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- Women with functional limitations also receive fewer clinical breast exams and mammograms than non-disabled women and may be at a higher risk for breast cancer.²² This is a critical area of need in light of the fact that breast cancer is the major cause of cancer death in women in the US.²³

Parenting

Nearly nine million parents in the United States—15% of the population—live with disabilities.²⁴

- Despite misconceptions about the impact of disability on women's ability to reproduce and become mothers, women with disabilities are just as likely to have healthy babies and become successful parents as women without disabilities. According to the Paralysis Resource Center, most spinal cord injured women have normal vaginal deliveries.²⁵
- With the help of adaptive baby care equipment, such as cribs that open low for wheelchairs, caring for children has become much more feasible for some.
- Women with disabilities may encounter pressure from doctors or from society to abort a pregnancy because of the possibility of passing on disabilities to their children—even if the disability is not actually inheritable.²⁶
 - With the increased use of prenatal genetic diagnosis (PGD), disability rights activists worry that more parents will elect to abort fetuses with known disabilities. They see in such eugenic decisions a lack of respect for human diversity and a devaluing of the lives of people with disabilities.²⁷

Current Federal Disability Law

- Americans with Disabilities Act (1990)²⁸
 - The Americans with Disabilities Act (ADA) defines a disability as “a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such impairment.”²⁹
 - The ADA establishes the right of women with disabilities to equal healthcare access, including mammography equipment, exam tables, etc., but providers often do not comply with these requirements.
- Section 504 of the Rehabilitation Act of 1973³⁰
- Individuals with Disabilities Education Act³¹
- Air Carrier Access Act³²

²² Breast Health Access for Women with Disabilities, <http://www.bhawd.org/sitefiles/services.html> (last visited Aug. 17, 2008).

²³ Id.

²⁴ Through the Looking Glass, Parents With Disabilities, <http://lookingglass.org/parents/> (last visited Aug. 17, 2008).

²⁵ Paralysis Resource Center, *supra* note 17.

²⁶ Anne Finger, Forbidden Fruit, 233 THE NEW INTERNATIONALIST, July 1992, available at <http://www.newint.org/issue233/fruit.htm>.

²⁷ Eric Parens et al, The Disability Rights Critique of Prenatal Genetic Testing: Reflections and Recommendations, <http://lgruen.web.wesleyan.edu/wescourses/2003s/biol118/01/disabilityrights.pdf> (last visited Aug. 17, 2008).

²⁸ 42 U.S.C.A. §§ 12101-213 (West 2007).

²⁹ What is the ADA: Definition of Disability, <http://www.adata.org/whatsada-definition.aspx> (last visited Aug. 17, 2008).

³⁰ 29 U.S.C.A. § 794 (West 2007).

³¹ 20 U.S.C.A. §§ 1400 et seq. (West 2007).

³² 49 U.S.C.A. § 41705 (West 2007).



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- Fair Housing Amendments of 1988³³
- U.S. Department of Justice-Civil Rights Division (Disability Rights Section)³⁴

³³ PL 100-430, 102 Stat 1619 (1988); 42 U.S.C.A. §3601 et seq. (West 2007).

³⁴ U.S. Department of Justice Civil Rights Division, Disability Rights Section Home Page, <http://www.usdoj.gov/crt/drs/drshome.htm> (last visited Aug. 17, 2008).