



Women with Disabilities

As many as 28.6 million (nearly one in five) women in the United States live with a physical, cognitive, or sensory disability.¹ Reproductive justice for women with disabilities demands equal rights to sexual and reproductive health care, education, and expression.

Violence Against Women with Disabilities

About 10-13% of women with disabilities report having experienced abuse, a rate comparable to that of women without disabilities.²

- However, women with disabilities experience a longer duration of abuse, more abusers, and more incidents of abuse than non-disabled women.³ Certain forms of abuse, such as hiding prosthetic devices, leaving women undressed when a guest is visiting, and refusing to help with menstrual hygiene needs, are particular to women with disabilities as opposed to the non-disabled. Since they may depend on their abusers for care 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.⁴
- Women with disabilities experience a higher incidence of sexual abuse and rape; it has been estimated that perhaps only 20% of these incidents are actually recorded.⁵ Some women may not recognize the abuse as such because of a lack of adequate sex education.

Sexuality

Because of rigid societal ideas about sexuality and sexual expression, 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 health care. These beliefs may lead healthcare providers to neglect the sexual and reproductive health of patients with disabilities, who have the same concerns and needs as other women.⁶

- In a national study of women with physical disabilities, half of the women reported that they were currently sexually active.⁷ Only 6% said they had never had sex.⁸
- Levels of desire of women with and without disabilities have been found to be the same, although somewhat lower rates of sexual activity among women with disabilities may reflect the societal barriers many face in finding partners.⁹

Compulsory Sterilization

The United States practiced forced and coercive sterilization of people with disabilities throughout the nineteenth and twentieth centuries.¹⁰ Mandatory sterilization laws passed in 30 states remained on the books until the 1970s.¹¹

- The 1927 landmark case *Buck v. Bell* legalized sterilization for eugenic purposes.¹² The U.S. Supreme Court has never directly overruled *Buck*,¹³ and *Buck* was cited by a federal appeals court as recently as 2001.¹⁴
- By 1979, the U.S. had sterilized over 65,000 Americans.¹⁵
 - In April 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.¹⁶

Today, women with disabilities still contend with coercive tactics designed to encourage sterilization or abortions because they are not deemed fit for motherhood.

Sex Education

Traditional sex education in schools rarely addresses students with disabilities and in some cases excludes students in special education classes. Exclusion from sex education often results

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because parents and educators believe that students with disabilities do not experience sexual development in the same manner as their peers, or may not have adequate information or training on how to present material to students with disabilities.¹⁷

- Canada has one of the most comprehensive sex education programs for students with disabilities, and the Sex Information and Education Council of Canada (SIECCAN) has developed a series of booklets specifically to address the unique needs of people with disabilities.¹⁸
- Risks of exclusion or limited sex education can lead to increased sexual abuse, sexually transmitted infections, and unplanned pregnancy.¹⁹
- Similarly, people with disabilities are almost never considered in need of information about H.I.V. and treatment for it. As a result, although people with disabilities are nearly as likely to be sexually active as people without disabilities, their H.I.V. infection rate is up to three times higher.²⁰
- Sex education that takes into consideration individual learning styles or specifically addresses physical concerns can be effective in ensuring that all students have adequate access to information.²¹

Barriers to Accessing Reproductive Health Care

People with disabilities are often among the poorest and cannot afford health care services; even those with access to health care often experience discrimination and loss of privacy.²² 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 inform women with three or more functional limitations or an obvious physical disability about contraceptive options.²³

- One study found that only 19% of physically disabled women received sexuality counseling.²⁴
- Doctors often fail to test women with disabilities for STIs, assuming that they are not sexually active.²⁵
- Women with disabilities are further discouraged from seeking reproductive health care due to their doctors' lack of knowledge of disability-related symptoms such as spasticity, imbalance, and autonomic dysreflexia.²⁶
- 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.²⁷ This is a critical area of need in light of the fact that breast cancer is the leading cause of cancer-related deaths in women in the U.S.²⁸ Women with disabilities are also tested for cervical cancer at much lower rates than their non-disabled counterparts.²⁹
- When drugs and services must be rationed, the lives of those living with a disability are often valued less and may be given a lower priority for life saving antiretrovirals to treat H.I.V.³⁰

Parenting

Nearly 9 million parents (15% of all parents) in the United States live with disabilities.³¹

- Despite misconceptions about the impact of disabilities 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 women with spinal cord injuries have vaginal deliveries.³²
- 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.³³

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Americans with Disabilities Act (1990)³⁴

- 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.”³⁵
 - The ADA establishes the right of women with disabilities to equal health care access, such as access to mammography equipment and exam tables, but providers often do not comply with these requirements.
- In response to a series of Supreme Court opinions which narrowly construed the ADA,³⁶ Congress passed the ADA Amendments Act of 2008 to clarify and reiterate who is covered by the law’s civil rights protections.
 - The amendments, which took effect January 1, 2009,³⁷ revised the definition of “disability” to more broadly encompass impairments that substantially limit a “major life activity.”
 - The amended language also states that “mitigating measures,” including assistive devices, auxiliary aids, accommodations, medical therapies and supplies, have no bearing in determining whether a disability qualifies under the law.³⁸

¹ *Women with Disabilities*, NAT’L CTR. ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES, CENTERS FOR DISEASE CONTROL AND PREVENTION, <http://www.cdc.gov/ncbddd/women/default.htm> (last visited June 15, 2011).

² *Women’s Health, Abuse*, FLORIDA DEPARTMENT OF HEALTH, <http://www.doh.state.fl.us/Family/wh/lifespan/Disabled/abuse.html> (last visited June 16, 2011). See generally DICK SOBSEY, *VIOLENCE AND ABUSE IN THE LIVES OF PEOPLE WITH DISABILITIES: THE END OF SILENT ACCEPTANCE?* (1994).

³ *Violence against Women with Disabilities-Prevalence*, BAYLOR COLLEGE OF MEDICINE CENTER FOR RESEARCH ON WOMEN WITH DISABILITIES (CROWD), <http://www.bcm.edu/crowd/?pmid=1338> (last visited June 16, 2011).

⁴ See, e.g., *Family Violence Against Women with Disabilities*, DAWN ONTARIO, http://dawn.thot.net/violence_wwd.html (last visited June 15, 2011).

⁵ *Id.*

⁶ *Gynecologic Care for Women with Developmental Disabilities and Other Special Needs*, OBGYN.NET, http://www.obgyn.net/medical.asp?page=/ENGLISH/PUBS/FEATURES/special_needs (last visited June 15, 2011).

⁷ *National Study of Women with Physical Disabilities: Sexual Functioning*, CROWD, http://www.bcm.edu/crowd/national_study/SEXFUNC.htm (last visited June 15, 2011).

⁸ *Id.*

⁹ Paralysis Resource Center, *Sex and Pregnancy for Females*, CHRISTOPHER REEVE FOUNDATION, <http://www.christopherreeve.org/atf/cf/%7B3d83418f-b967-4c18-8ada-adc2e5355071%7D/Sex%20and%20Pregnancy%20for%20Females%208-08.PDF> (last visited June 15, 2011); *National Study of Women with Physical Disabilities: Relationships*, CROWD, http://www.bcm.edu/crowd/national_study/RELATION.htm (last visited June 15, 2011).

¹⁰ 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.

¹¹ See, e.g., 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; See generally MENNINGER, MENNINGER & HAAVIK, *SEXUALITY, LAW, AND THE DEVELOPMENTALLY DISABLED PERSON* (1981).

¹² *Buck v. Bell*, 274 U.S. 200, 207 (1927).

¹³ David Pfeiffer, *Eugenics and Disability Discrimination*, 9 DISABILITY & SOC’Y 481 (1994), available at <http://www.independentliving.org/docs1/pfeiffe1.html>.

¹⁴ See *Vaughn v. Ruoff*, 253 F.3d 1124, 1129 (8th Cir. 2001) (finding that involuntary sterilization is not always unconstitutional if it is a narrowly tailored means to achieve a compelling government interest).

¹⁵ Pfeiffer, *supra* note 13, at 481.

¹⁶ *In re Estate of K.E.J.*, 887 N.E.2d 704, 718 (Ill. App. Ct. 2008).

¹⁷ *Family Violence Against Women with Disabilities*, *supra* note 4.

¹⁸ *Being Sexual: An Illustrated Series on Sexuality and Relationships*, SEX INFORMATION AND EDUCATION COUNCIL OF CANADA <http://www.sieccan.org/pdf/being-sexual.pdf> (last visited June 15, 2011).

¹⁹ *Family Violence Against Women with Disabilities*, *supra* note 4.

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- ²⁰ Lusaka Zambia, *I had Polio. I Also Have Sex*, THE NEW YORK TIMES, June 18, 2011, available at http://www.nytimes.com/2011/06/19/opinion/19zulu.html?_r=1&src=rechp.
- ²¹ *Sex Education for Physically, Emotionally, and Mentally Challenged Youth*, ADVOCATES FOR YOUTH, http://www.advocatesforyouth.org/index.php?option=com_content&task=view&id=479&Itemid=177 (last visited June 15, 2011); Michelle Ballan, *Parents as Sexuality Educators for Their Children with Developmental Disabilities*, SIECUS REPORT 29(3), at 14-19 (2001).
- ²² *Id.*
- ²³ *Access to Health Care: General Information*, CROWD, <http://www.crowdbcm.net/healthcare/Access-gen.htm> (last visited June 15, 2011).
- ²⁴ CENTER FOR REPRODUCTIVE RIGHTS, REPRODUCTIVE RIGHTS AND WOMEN WITH DISABILITIES: A HUMAN RIGHTS FRAMEWORK (Jan. 2002), available at http://www.reproductiverights.org/pdf/pub_bp_disabilities.pdf.
- ²⁵ *Id.*
- ²⁶ *Sexuality and Reproductive Health—Sexually Transmitted Infections*, CROWD, <http://www.bcm.edu/crowd/?pmid=1451> (last visited June 15, 2011).
- ²⁷ BREAST HEALTH ACCESS FOR WOMEN WITH DISABILITIES (BHAWD), <http://www.bhawd.org/sitefiles/services.html> (last visited June 15, 2011).
- ²⁸ *Id.*
- ²⁹ See, e.g., Ken Stein & Nick Allen, *Cross Sectional Survey of Cervical Cancer Screening in Women with Learning Disability*, BRITISH MED. J. 318, 641 (1999).
- ³⁰ Zambia, *supra* note 20.
- ³¹ *Parents with Disabilities*, THROUGH THE LOOKING GLASS, <http://www.lookingglass.org/services/national-services/71-ncpd/> (last visited June 15, 2011).
- ³² CHRISTOPHER REEVE FOUNDATION, *supra* note 9.
- ³³ Anne Finger, *Forbidden Fruit*, THE NEW INTERNATIONALIST, July 1992, <http://www.newint.org/issue233/fruit.htm>.
- ³⁴ 42 U.S.C.A. §§ 12101-213 (2007).
- ³⁵ 42 U.S.C.A. § 12102; *What is the ADA: Definition of Disability*, ADA NATIONAL NETWORK, <http://www.adata.org/> (last visited June 15, 2011).
- ³⁶ *Notice Concerning The Americans With Disabilities Act (ADA) Amendments Act of 2008*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, http://www.eeoc.gov/ada/amendments_notice.html (last visited June 15, 2011).
- ³⁷ The ADA Amendment Act of 2008, Pub. L. No. 110-35, [122 Stat. 3553 \(2008\)](#) (codified in scattered sections of 42 U.S.C. and 29 U.S.C.) available at <http://www.access-board.gov/about/laws/ada-amendments.htm> (last visited June 15, 2011).
- ³⁸ *Id.*