

## RIGHTS OF WOMEN AND GIRLS WITH DISABILITIES TO BE FREE FROM VIOLENCE & ABUSE AND TO EXERCISE THEIR SEXUAL & REPRODUCTIVE RIGHTS

Approximately 18% of women in the U.S., or 28 million women, are living with a disability. Due to discrimination in both the private and public sphere, women with disabilities are two to three times more likely than non-disabled women to experience violence, including but not limited to sexual violence. They also face numerous barriers—physical, informational and economic—to accessing sexual and reproductive health services.

- Almost 80% of people with disabilities are *sexually assaulted* more than once, and half of those experience more than 10 victimizations.
- Women and girls with disabilities are more likely to face *coercion in reproductive decision-making*, particularly around sterilization, contraceptive use, and abortion.
- Numerous *barriers to access*—including lack of physical access, lack of information specific to women with disabilities, and lack of trained providers—prevent women with disabilities from accessing appropriate sexual and reproductive healthcare services.

Women with disabilities are vulnerable to discrimination and violence due to:

- *Lack of binding legal standards*: Lack of physical accommodation in health facilities, combined with transportation difficulties to healthcare facilities, prevent women with disabilities from seeking necessary reproductive health services such as breast cancer screenings. Many facilities lack accessible exam and diagnostic equipment such as mammogram machines and adjustable examination tables. Regulations to improve accessibility standards for medical diagnostic equipment and physical accessibility to medical facilities in line with the 2010 Affordable Care Act have yet to be implemented, and guidelines for medical providers under the Rehabilitation Act (1973) concerning accessibility for people with disabilities are not binding.
- *Barriers to access to justice*: Lack of physical accessibility in courtrooms and police stations deters women with disabilities from reporting or pursuing claims. DOJ has filed few lawsuits under the Americans with Disabilities Act to enforce its provisions on access to sexual and reproductive health care and anti-violence services and facilities.
- *Lack of funding*: Although the Violence Against Women Act of 2013 (VAWA) provides funding for programs specifically designed to address violence and abuse of women with disabilities, only 1% of grants was awarded through the Disability Grant Program in 2013.

The U.S. has also *failed to take positive measures* to address negative stereotypes against women and girls with disabilities:

- Women with disabilities are less likely to report violence because of lack of access to information about assistance, or because their abuser may be the individual upon whom the woman relies for personal care or mobility.



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#### The Center's Mission

The Center for Reproductive Rights uses the law to advance reproductive freedom as a fundamental right that all governments are legally obligated to protect, respect and fulfill.

- The justice system often fails to see women with disabilities as competent witnesses because of negative stereotypes or communication barriers.
- Eleven states retain statutory language authorizing a court to order the involuntary sterilization of a person with a disability upon request by a parent or legal guardian.

## International Human Rights Obligations

The U.S. is not a party to several international human rights treaties that protect the rights of women and people with disabilities, including the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In the first cycle of the UPR:

- Nineteen states urged the U.S. to ratify CEDAW.
- Fourteen states urged the U.S. to ratify the CRPD.
- Seven states recommended swift ratification of the ICESCR.

No action has been taken on either CEDAW or the ICESCR by the U.S. Senate. The U.S. Senate failed to ratify the CRPD treaty in December 2012. In July 2014, the Senate Foreign Relations Committee approved the Convention and urged its full consideration once again by the U.S. Senate. As of March 2015, the Senate has not voted again on ratification, and it is not expected to do so in the next two years.

## Requested Recommendation(s)

- *Ratify* without delay the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Covenant on Economic, Social and Cultural Rights.
- Pass federal legislation *abolishing coerced and involuntary sterilization* for women and girls with disabilities.
- Implement *binding legal standards* to ensure physical access to sexual and reproductive health services in compliance with the Affordable Care Act.
- Take *positive steps to combat stigma* against women and girls with disabilities in health care settings, the justice system, and educational institutions.

## Suggested Question

- What steps is the U.S. taking to address discrimination in law and practice against women and girls with disabilities, in particular forms of discrimination that lead to violence and abuse or prevents access to comprehensive sexual and reproductive health care?
- Please focus on *implementation efforts* of existing policies and *positive measures* aimed at reducing stigma against women and girls with disabilities.

## Contact

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