

Sexual Violence against Women and Girls with Disabilities in India

Ananya Misra

Research Scholar (Ph.D.), Department of English, Chhatrapati Shahu Ji Maharaj University, Kanpur, Uttar Pradesh, India

ABSTRACT

In India, women and girls with disabilities face a high risk of psychological trauma and sexual violence. A condition that they will not essentially have any management over, ends up in them being subject to abundant discrimination and subordination. Each psychological and physical disability is stigmatized by our Indian society. Women and girls with totally different disabilities face a high risk of sexual violence in our country. Those with physical disabilities could realize it is harder to flee from violent things because of restricted quality. Women who are deaf or arduous of hearing might not be able to facilitate or simply communicate abuse, or could also be additionally liable to attacks merely because of the shortage of ability to listen to their surroundings. On the other hand, girls with disabilities, notably intellectual or psychosocial disabilities, might not apprehend that nonconsensual sexual acts are a criminal offense and will be rumored owing to the shortage of accessible information and awareness. Access to justice is especially tough for women and girls with disabilities for the most part because of the stigma related to their sex and incapacity. As a result, they usually don't get the support they have at each stage of the justice process like reporting the abuse to police, obtaining acceptable treatment, navigating the court system, etc. The judicial procedures of our country are slow and traumatic for several victims of crimes. Lack of knowledge among girls and women with disabilities and their families concerning their legal rights prevents several disabled women from advocating for their desires. I would, therefore, like to explore the horrendous realities faced by the disabled victims of sexual violence in India in this research paper. The cruelties that the victims face from within and the world outside even after being a mere victim to the situation are not only worthy of research but also of dignified justice.

Key Words: violence against women, India, disability, invisible victims, silent crime, sexual violence, psychosocial disabilities, physical trauma, mental trauma, double discrimination

INTRODUCTION

In India, sexual violence against disabled women and girls is a silent crime only because in the majority of cases women fail to realize they are victims or fail to communicate the act and intensity of violence. Even if it is communicated, their words are not believed or taken seriously. In most cases, it is found that the perpetrators are not brought to book. Additionally, there is also fear that reporting the abuse could snap bonds with the caretakers. The social role or the absence of a role attributed to women with disabilities, in conjunction with the stereotypes that exist, contributes to their vulnerability and leads to violation of their rights in our country.

According to the Census of India 2011, there are over 26.8 million persons recorded with disabilities in India. This accounts for 2.21% of the total population, among which about 15 million are men and 11.8 million are women, although NGOs believe the number to be much higher. These figures are indicative of the vulnerable section of Indian society that is prone to abuse and all the more sexual abuse.

The vulnerability of women with disabilities is based on the naturalistic interpretation which perceives them as physically and mentally weaker sections of the community. This notion overlooks the social, cultural, and political aspects that put women with disabilities in a subordinate position. Women with disabilities are at the greatest risk of sexual violence. Other intersecting factors like class, caste, ethnicity, rural/urban residence, low education, weak response systems—add up to the susceptibility of women with disability.



Analyzing historically, women with disabilities lack the adequate courage to report abuse. Sadly enough this is because the traditional approaches to “protecting” people with disabilities have inadvertently kept them from accessing the tools and resources needed for protecting themselves. India, as a country that observes rampant female foeticide and where a girl child is unwelcome, undoubtedly becomes a channel for a vulnerable living environment for women with disabilities. Hence, the frequency of sexual assaults against women with a disability has gained momentum, particularly in India.

Let us now try to analyze the various forms of sexual abuse that take shape in our country. Sexual violence against women with disabilities takes many unique forms. It includes violence that is perpetuated by stereotypes that infantilize women, exclude or isolate them, and dehumanize them. There are also different spaces in which disabled women are sexually abused. This includes- violence against women with disabilities in the home, violence in public spaces, and violence in the institutional context. We will endeavor to explore each space in brief.

In the first category, violence against women with disabilities in the home is caused when the victims of the crime know the accused person before the commission of rape. The accused is generally a person already acquainted with the victim and therefore it becomes lucid for the person to abuse the victim. Out of many reported cases, the victim was raped by their relatives including their father. The cases also suggest that the act of crime mostly takes place when the victim is sited alone and unprotected. They are then enticed and allured by the accused.

Women with disabilities who may have no choice but to leave their homes due to violence become homeless. They become subject to violence in public spaces and thus become victims in our second category. It is generally observed that such women with psycho-social disabilities, wandering on the streets and without homes become vulnerable victims of sexual abuse outside the home. Physical challenges and perceptions of women with a disability as defenseless make them easy targets. Verbal and physical sexual harassment by strangers often occurs in public spaces, trains, and buses. Disabled women are vulnerable to exploitation because of their dependence on others for support and, possibly, as a result of men perceiving them as sexually available.

According to the third category, it is all the more observed that women with disability are the sufferers of sexual violence in the Institutional Context. In such cases, the state and privately-run disability care homes and institutions become the mere abuser of the innocent residents of the same. Thus, the institutions that are supposed to guarantee the safety and security of women with psycho-social disabilities, deprive them of the pledged safety. It is hence observed that in many cases disabled women are unable to communicate the act of sexual assault they face in their day-to-day life. Even if they communicate their assault, the evidentiary value of their testimony is not taken seriously either by the police or by the judicial system. This ultimately results in fragile legal proceedings where it becomes difficult for the victim to justify the sexual abuse inflicted upon her by the accused. It is also generally observed that the protectors/caretakers of a disabled woman or girl only become her mere abuser.

Just like the act of crime, equally torturing are its aftermaths for the victim. The after-effects of a sexual assault are immense among which is a lifelong trauma of the act. Moreover, the victim encounters innumerable problems accessing medical care after the assault. Many medical professionals fail to adequately explain medical tests and procedures to the victim and therefore they are unable to ensure that women and girls with disabilities are comfortable with the process. This may eventually add to the mental damage of sexual violence.

An equal assault to the victim even after the sexual assault is made by the decomposed judicial order in India which is pathetically slow and traumatic for many victims of the heinous crime. Moreover, unfamiliar and stressful court environments add up to the challenges faced by women and girls with disabilities, especially during protracted legal cases. A major reason for this is the lack of information among women and girls with disabilities and their families about their legal rights, including the right to legal representation. This ultimately prevents many victims from advocating for their needs. Many women and girls with disabilities do not get the help they need if sexual violence happens to them. There are many reasons for this. They can find it hard to speak up about sexual violence, the police and courts may not know how to help such women and, many women and girls with disabilities do not get the right support if sexual violence happens to them. We believe that they have a right to this support just like any other person in our country.

CONCLUSION

Indian women with disabilities are subjected to double discrimination— that of being a woman and a person with a disability. Moreover, there is very little understanding among police, doctors, and even judges about the autonomy,

agency, and rights of women who live with disabilities. Consequently, access to justice is particularly difficult for women and girls with disabilities broadly due to the stigma associated with their sexuality and disability. Such decadent procedures ultimately leave a disabled victim of sexual abuse mentally and physically scarred for life. It is largely noticed that the criminals are often people known to the person with disabilities, such as their partners, family members, friends, or acquaintances. Thus, violence against disabled women frequently takes place in the form of intimate partner violence, family violence, or school violence.

Women with disabilities become victims of violence in the private and public spheres. They face disproportionate sexual violence and are confronted by inhuman, degrading, and torturous treatment when detained in institutions. This situation is exacerbated by the presence of existing structural violence. The double discrimination faced as a woman as well as a person with a disability makes the sexual assault on the victim more traumatic. It is statistically noted that women with disabilities are thrice as likely to be raped, physically abused, or sexually assaulted in comparison to their non-disabled counterparts. Disabled women often struggle to get away from their abusers and access the support that could enable them to do so, as well as accessing justice after they have faced violence. They often also suffer humiliation at police stations and hospitals during the process of justice.

Furthermore, particular difficulties faced by disabled women are often not captured in reporting on violence against women, since there is a lack of data on violence specifically against women with disabilities. Besides, data on various kinds of crimes are usually not collected by kinds of disability—for example, as an NPR article reported, people with intellectual disabilities are sexually assaulted at a rate that is seven times higher than people without disabilities. In India, the National Crime Reports Bureau also does not collect separate data on violence against women and girls with disabilities

The Indian judiciary system has seen certain amendments in the past years to help and protect the rights of sexually abused disabled women and girls. In December 2016, India's parliament adopted the Rights of Persons with Disabilities Act, which guarantees protection to all persons with disabilities from abuse, violence, and exploitation. It also sorts specific measures to be taken by appropriate government officials, executive magistrates, and the police in case of any sexual abuse with a disabled woman. Besides, there is still a need for more prominent laws that completely protect against the sexual violence committed against women with disabilities and assure them of their share of social, economic, and political rights.

The invisible victims of sexual violence who live with disabilities are not lesser citizens. Like everybody else, they are entitled to the full protection of the law. And not just on paper.

REFERENCES

- [1]. V.N. Shukla. (2008). Constitution of India. 11th Edition, Eastern Book Company.
- [2]. Kothari, J. (2012). The Future of Disability Law in India. Oxford University Press;
- [3]. Mandal, S. (n.d.). The Legal Framework of Disability Rights in India: An Overview. Lawyers Collective Women's Rights Initiatives.
- [4]. Anuradha, M. (2004). Human Rights of Persons with Disabilities. In C. S. Mohapatra, (Ed.), Disability Management in India- Challenges and Commitments. National Institute for Mentally Handicapped, Secunderabad.
- [5]. Raha, Swagata, Protecting Women with Disabilities against Violence; <http://infochangeindia.org/disabilities/backgrounder/protecting-women-with-disabilities-from-violence.html>
- [6]. Para 6, General Recommendation No. 19 (11th Session, 1992) Violence Against Women <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>
- [7]. Alkazi, Radhika. 2016. Brainstorming Meeting on Institutions for Children and Persons with Disabilities: Thinking Alternatives. 14-15 April. New Delhi.
- [8]. Human Rights Watch 2014. India: Women with Disabilities Locked Away and Abused. <https://www.hrw.org/news/2014/12/03/india-womendisabilities-locked-away-and-abused>
- [9]. Shanta Memorial Rehabilitation Centre. 2020. COVID 19 and Impact on Women with Disabilities. www.smrkorissa.org
- [10]. TARSHI, 2018. Sexuality and Disability in the Indian Context: Working Paper. http://www.tarshi.net/downloads/Sexuality_and_Disability_in_the_Indian_Context.pdf