

Violence Against Women with Disabilities

Out of Sight, Out of Mind

BY CATHY McPHERSON

A woman who uses a wheelchair finally summoned up the courage to leave an abusive relationship. She went to a women's shelter — and spent the next month in bed.

That woman is a good example of how far we have come in terms of recognizing the needs of violence against women with disabilities. We're not as likely to slam the door in her face anymore (although it still happens) — but God help her if she needs accommodation to deal with her disability.

As a woman with a disability and someone who has been dealing with these issues for many years — through the Disabled Women's Network, as long-time member of the consumer movement of the disabled and finally as a community legal worker at the Advocacy Resource Centre for the Handicapped (ARCH) — I have been taking a good, hard look over the last six months at where we have been and where we are now.

I can't keep up with the speaking engagements and requests for information and support around the issue of abuse. Six months ago, ARCH printed roughly 50,000 copies of a manual entitled, *Responding to the Abuse of People with Disabilities*. English and French versions of this publication are virtually all gone. Now I am being contacted by organizations developing protocol to deal with abuse. This is exciting stuff for me. And yet in the last six months, I have been invited to at least five events that were held in facilities not wheelchair accessible and where no accommodation had been made for deaf/hard-of-hearing people, or for blind individuals.

Every time this happens, I make a fuss; people get upset and think I'm a troublemaker. Every time it happens I feel a dagger going through my heart because I think of all my friends who are prevented from attending these events.

More importantly, when we force a woman with a disability through the bureaucratic hoops to escape violence and fight for accommodation, we may be preventing her from leaving the situation — a situation that could ultimately lead to her death.

Most compassionate, thinking people who belong to social movements think of themselves as broadminded. When it comes to disability issues, although they won't admit it, many of these same people consider them to be marginal.

Violence against women with disabilities is not a marginal issue. It is estimated that people with disabilities are twice to 10 times more likely to be assaulted and sexually assaulted than non-disabled people. As with the non-disabled population, more disabled women than men are victims, although the number of men who are victims is about twice that of the non-disabled population (roughly 20 per cent). And, as with the non-disabled

population, women with disabilities are most likely to be assaulted by those closest to them — relatives, caregivers and friends — in most cases men.

These mythical women with disabilities probably include someone you know — 18 per cent of all women are disabled. They may be women who have psychiatric problems and are seeing a therapist; women who are labeled "mentally retarded" or "developmentally disabled"; they may have epilepsy, cancer, be physically disabled, have a learning disability, be deaf, hard-of-hearing, blind or have low vision. They may have Alzheimer's disease, or be in a coma.

So why haven't we been more concerned about the abuse of women with disabilities? In the past, we simply haven't seen women with disabilities in the community. The practise was to lock them away in institutions — preferably several miles out of town, sight and mind. There wasn't a problem because we couldn't see it. People with disabilities were considered less than human — and therefore deserving of the odd cuff across the back of the head to keep them in line at the huge institutions in which they were warehoused or in the backroom of someone's house where they were locked away.

Now, because people with disabilities live in increasing numbers in our community, violence and abuse are finally coming to the attention of people in contact with them socially or through their work.

The reasons women with disabilities are more likely to be assaulted and sexually assaulted have less to do with their actual disability than with the large number of people who have contact with them in their intimate circle as assistants. That, coupled with a learned passivity that is reinforced in institutional settings, makes them more vulnerable to abuse. There is no doubt, however, that women with multiple handicaps or who are profoundly disabled, are less able to speak out when someone abuses them and are often not taken seriously either in reporting the abuse or by the justice system itself.

Many women with disabilities miss out on sex education. When abuse occurs, they know something is wrong but are not sure what it is.

What makes it even more difficult for a woman with disabilities to leave a violent situation is that she is often dependent on the very person abusing her for support care and for financial support. Women with disabilities are the lowest income earners in Canada — the first national census of people with disabilities in 1986 found that disabled women had average incomes of \$8,360 a year compared to \$19,250 for disabled men, \$10,000 for non-disabled women and \$21,000 for non-disabled men. Most dis-

abled women are not married.

As disability activists will confirm, support care services that allow women with disabilities to live in the community are few. If a woman in a wheelchair manages to get out of an abusive situation, in spite of the fact that there is likely no accessible transportation and her abuser might have taken the chair away from her, she may find herself in an institution because no attendant care is available in the community; an institution where she may be *more* likely to be abused. The withdrawal of support care services is a threat that *all* disabled women run the risk of when they complain, particularly if the abuser is support care staff. The removal of her children from her, should she leave an abusive situation, is also a risk.

Violence against women with disabilities covers a broad spectrum and may be invisible when it is disguised as "treatment" or well-meaning care gone wrong. Violence can *cause* a woman to *become* disabled or aggravate her disability by making her *more* disabled.

A common form of "violence" is neglect, which many people don't realize is a criminal act. Caregivers or family members who leave women to sit in their feces and/or bed for days, or who lock them up in a room and abandon them for lengthy periods of time, who don't feed or wash them, can be charged under *The Criminal Code of Canada*.

Sometimes elderly or self-destructive women are bound to a chair to keep them from wandering or hurting themselves. Some forms of behaviour modification, such as squirting lemon juice into their eyes, using cattle prods or holding a person down and isolating them, may be used to control behaviour. But caregivers who are frustrated and over-worked can use these techniques to an extreme. Instead of being a form of treatment that should be used sparingly (if at all), it is turned into a form of punishment or abuse. We need to establish limits on the use of these techniques and in some cases ban them.

Is a woman who agrees to have sex with her therapist or doctor really giving consent? How about her group home worker? Or is the woman being compliant in a power relationship balanced against her.

I've talked a lot about the actual act of violence, now I want to look at the justice system and how it does or does not address the issue of violence.

The justice system is a flawed instrument. As many people assisting victims of violence know, there are many stages of "screening" victims must go through before they see their day in court. When the police arrive on the scene of the crime they make a decision to have charges laid based on whether they believe there is enough evidence and often, in the case of women with disabilities, whether they believe she will be a credible/competent witness in court.

Once charges are laid, the Crown Attorney (who represents the best interests of our society, *not* those of the victim) has the discretion to have the charges dropped at any time either *before* a preliminary hearing is held to decide whether there is enough evidence to proceed with the case, or *afterwards* even before the case is heard in court. Their decision is made based on the criminal justice system's premise that there must be enough evidence to prove guilt "beyond a reasonable doubt."

Our justice system must have the flexibility to respond to the introduction of new evidence along the way. It is also argued that the accused person has more to lose (a possible jail sentence) than the victim. But those of us who deal with the justice system as advocates for people with disabilities can see how difficult it is to get a case through this system when you have court backlogs and financial restraints piled on top of these restrictions. Add on discrimination and lack of understanding about disabilities and you've got some formidable barriers.

Cases involving people with disabilities may require more time to investigate, and a little extra effort on the part of the police and the Crown to accommodate and prepare a disabled witness for court. Under these circumstances, cases involving violence against women with disabilities may not get the attention needed. Despite these obstacles, however, we are seeing an increasing number of cases going to court — and being won, thanks to the extra effort of police officers and Crown attorneys sensitive to these issues, and to disability advocates.

Why should we encourage women with disabilities to take their case, if they are able to, through the justice system despite all these obstacles and the chance that the accused may not be found guilty or punished by a jail sentence? Why should we

force her to relive a horrible experience by dragging it out through the justice system over a number of years?

Evidence seems to indicate that individuals who assault or sexually assault people with disabilities (in particular caregivers) go on to do it to many more people, as many as 200, before they get caught.

The number of caregivers who are abusers is small; most people who work with disabled people in this capacity are genuinely caring people. But all you need is one person who continues to be quietly "let go" by organizations and facilities before many more individuals are permanently emotionally and possibly physically harmed by that individual. Even if that person doesn't get sentenced, the process may act as a deterrent and give the community a message that this kind of behaviour is no longer tolerated.

The next time you read in the paper that a number of people working for an organization or agency have been charged with abuse, stop yourself from thinking, "oh, how awful" and congratulate the organization for taking action on a problem that has been condoned through inaction in the past.

Don't wait for someone like me to bring up the issue of accommodating the special needs of women with disabilities — again for the 500th time — take action and do it! Many disability groups would be more than happy to advise you on how to go about it, starting with DAWN Canada, which has undertaken a special project working with women's shelters to make them accessible.

Shirley Masuda, who is co-ordinating this project, can be reached at: 10401 Finlayson Drive, Richmond, British Columbia V6X 1W8, phone (604) 273-7239. Give her a call!

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The second part of this article entitled "Violence Against Women with Disabilities: Tackling the Problem" will be printed in our next issue of CWS/cf, "Violence Against Women: Strategies for Change" (Fall 1991).