

# LearningNetwork Brief 11

## **Ableism – A Form of Violence Against Women**

**Critical Reflections by Fran Odette**

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Fran has taught in the Assaulted Women and Children Counselor Advocate Program since 2008 and recently became the Senior Research Consultant with the Disabled Women's Network Canada. Prior to this, Fran was the Program Manager at Springtide Resources. Fran has collaborated on numerous projects with various organisations working with marginalized communities in the GTA and across the province. As a trainer/educator, much of Fran's work has been supporting service providers in building capacity to make the linkages needed to ensure that women with disabilities, inclusive of gender and sexual identities, have access to services.

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Ableism and ableist views are ways in which ideas/beliefs are organized and supported that is based on the belief that the ‘able-body’ is favoured/preferred over the disAbled body.<sup>1,2</sup> Similar to the experience of racism, homophobia/transphobia and sexism, it is the socially constructed characteristics of disAbility that positions people with disAbilities as an ‘inferior’ group to non-disAbled people.<sup>2,3</sup> Society includes *disAbled* people who have abilities that differ from the majority. This doesn’t mean that we minimize or ignore the impairment, because most of the time, with the right supports in place, all people can be included in their community. Ableism adheres to the "medical model" whereby people/women are defined by their disAbility and where the focus is on the individual’s deviation from the “norm”, rather than recognizing everyone’s individuality and specific sets of experiences. The problem with the medical model and its homogeneity is the lack of recognition of the individuality of each and every person, and how we are encouraged to define people by their impairment rather than seeing the person first. “Similarly, audism can be defined as the devaluation of people who are Deaf, deafened or hard of hearing. An example of this would be assuming that sign language is an inferior language and/or the cultural ways of Deaf people are somehow inferior”<sup>4</sup>

Thus, mythologies about disAbility and gendered violence live strongly for women living with impairments or difference. Further, ableism dictates the kinds of services women with disAbilities have available and are able to access. For example, limited access to sexual health information for women with disAbilities is based on the belief that disAbled women will not be sexually active and will therefore, not need reliable sexual health and reproductive health

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<sup>1</sup> Disability Studies for Teachers, “Reassigning Meaning”, Center on Human Policy, pg. 1, <http://www.disabilitystudiesforteachers.org/files/ReassigningMeaning.pdf>

<sup>2</sup> Linton, S. (1998). *Claiming Disability*. New York, NY: NYU Press.

<sup>3</sup> “Reassigning Meaning”, pg. 1

<sup>4</sup> Nellie’s Position Paper on Accessibility: Women with Disabilities and Deaf Women (March 2013), pg. 1 <http://dev.innovachannel.info/nellies.org/wp-content/uploads/2013/03/Nellies-Position-Paper.pdf>

information. The result is an increase in the risk for sexual and physical abuse of women with disAbilities.

## Multi-level Ableism

Ableism is a form of violence that occurs on multiple levels. For instance, at the individual level, abuse can be directed towards disAbled victims who are seen as ‘less than human,’ and at the systems level, disAbled survivors can become disenfranchised when they attempt to move through the institutions that were intended to respond to violence and abuse. Many institutions, and the policies that regulate how services/responses occur, fail dramatically because of a patriarchal system that is paternalistic towards women survivors living without disAbilities, while indifferent to women with disAbilities.

Practices and directives that often drive institutional responses are steeped in racism, sexism, heterosexism, colonialism and ableism. For example, the justice system has had an extremely flawed history in supporting women survivors of all forms of violence. For this and other various reasons, we know that many women do not report sexual assaults perpetrated by men<sup>5</sup>. Ableism, audism and with sexism work together, as many female disAbled and Deaf survivors of violence are often not believed nor are seen as ‘credible’ victims/witnesses by the justice system. We have little substantial research undertaken to look at the experiences of disAbled women in accessing the legal and justice systems. What we do know is that women are simply not going through the system, except in rare cases where they have had the supports to disclose and report violence to the police. Stereotypes held by police officers impact greatly on whether a woman’s report/disclosure will move beyond the investigating officer<sup>6</sup> (e.g., believing her report lacks credibility because a woman with disAbilities does not fit the officer’s stereotyped conception of who experiences sexual assault).

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<sup>5</sup> Ontario Women’ Justice Network, <http://www.owjn.org/>

<sup>6</sup> Keilty, Jennifer and Georgina Connelly (2001), Making a Statement: an exploratory study of barriers facing women with an intellectual disability when making a statement about sexual assault to police, *Disability and Society*, 16(2), pp.273-291

Responders need to recognize and acknowledge that many women who seek services, including legal support, often have had previous experiences of having their potential underestimated and being undermined. As a result of the limited skills of individual workers and agencies, barriers are created for women -- barriers to accessing services that facilitate their healing<sup>7</sup>.

It is suggested that disAbled women, in particular women with cognitive-related disAbilities who are survivors of violence, most often do not see justice from the time they make the report. At all points along the continuum (i.e., from reporting to police through to the court process) stereotypical views about disAbled women prevail and have a significant impact on women's experience of obtaining 'justice'.

## Case Examples

### R. v. D.A.I.

An example of systemic ableism is found in the DAI case whereby the DisAbled Women's Network Canada (DAWN-RAFH), Women's Legal Education and Action Fund (LEAF Canada), and the Council of Canadians with DisAbilities (CCD) served as interveners. The DAI case involved an adult woman with an intellectual disAbility who reported that her stepfather sexually assaulted her. The woman provided a video statement to the police and gave evidence at the preliminary inquiry. However, this case collapsed when it was originally brought to the courts and the accused was acquitted on the basis that the trial judge found that the woman survivor/plaintiff had failed to show that she understood the duty to speak the truth, and held that she was not competent to testify. The Ontario Court of Appeal affirmed this result.

This case highlighted the need to recognize that women and men with cognitive/mental based disAbilities need specific types of

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<sup>7</sup> Chang, J.C., C.L. Martin et al.(2003), Helping women with disabilities and domestic violence: strategies, limitations and challenges of domestic violence programs and services, *Journal of Women's Health*, 12(7), pp.699-708

supports in order to communicate and participate in a fair and equitable manner in making decisions and in participating in a court of law. This young woman never gave up and now the highest court in the country has restored her -- and all women with disAbilities' -- right to a fair and just trial.

### **Betty Anne Gagnon**

The case of Betty Anne Gagnon is an example of both systemic ableism and individual forms of ableism in relation to her treatment by her family prior to her death in 2009. “In October 2013, the Edmonton Court of the Queen’s Bench announced the sentencing in the case of Betty Anne Gagnon, a woman with an intellectual disAbility and visual impairment who died under the “care” of her sister and brother-in-law in November 2009”<sup>8</sup>. Both “faced multiple charges including manslaughter, failure to provide the necessities of life, criminal negligence causing death, unlawful confinement and assault and conspiracy to commit extortion”. Betty Ann Gagnon died because her caregivers failed to provide for the necessities of life for her, and easily abused her because they had reason to believe they could get away with it. DisAbility activists say this is a travesty of justice for a young woman who had no voice. In spite of calls made by Betty Anne’s niece regarding her safety and wellbeing, the system that is there to serve and protect us all failed her.

### **Euthanasia and DNR Orders**

Ableism is also experienced in the recent debate regarding euthanasia and people with disAbilities. Over the last few months, there has been a great deal of media attention given to the debate on assisted suicide otherwise known as euthanasia. In Quebec, efforts by disAbility organizations including Toujours Vivant-Not Dead Yet (TVNDY) joined with others to oppose the bill that would legalize euthanasia in Quebec. We live in a culture that is ‘disAbility-phobic’ and sees little value in living a life where one is disAbled. Amy Hasbrouck, TVNDY Director says that “[p]eople with disAbilities are

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<sup>8</sup> DisAbled Women’s Network Canada, “National disability leadership demands justice for Betty Anne Gagnon”, <http://www.dawncanada.net/en>

the populations most directly affected, since nearly everyone who asks for euthanasia has a disAbility.”<sup>9</sup> Ableism as a form of violence occurs when someone living with a disAbility comes to the decision to end their life and that decision is not considered a ‘suicide’ that we would otherwise work hard to prevent. On the other hand, we actively engage with others living without disAbility from making that choice and to support them to see living as a viable option. Ableist and sexist beliefs strongly influence which lives are more valued; more often, the lives of women with disAbilities are considered lives not worth living. Further, the checks and balances in place for looking at suicide attempts are non-existent or not entrenched in practice and reviewed when it comes to legalizing euthanasia.

Ableism as a form of violence is seen in decision making surrounding DNR (do not resuscitate) orders. People with disAbilities are often coerced to sign these orders before going into the hospital or to sign under conditions where few other options are presented that would ensure they had access to medical care and supports. When looking at the lives of women with disAbilities and decision making surrounding DNR, it is critical to understand that we are the ones who are left behind or neglected in our families of origin, and seen as burdens on the system because we fail to live up to or conform to gender-role stereotypes of what it means to be ‘female’ in this culture. The underlying message surrounding ‘assisted suicide’, ‘DNR’ directives and the denial of medical care for women with disAbilities, reflects larger systemic prejudices and other barriers that influence perceptions about whose life is valued, which in turn, influences who has responsibility for decisions about “ending life” and how those decisions are made. The binary between disAbleD and able-bodied is leverage for the Suicide Celebration versus Suicide Prevention dichotomy. The real question is who benefits – is it the woman with disAbilities OR her ‘caregivers’, service providers, and the state?

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<sup>9</sup> Newsletter, “Euthanasia, No Thanks!”, *Toujours Vivant-Not Dead Yet*, April 2013, pg. 1.

## Conclusion

Ableism permeates our society; it is a form of violence against self-identified women that occurs at both individual and systemic levels. Ableism defines a woman by her disAbility and focuses on her deviation from the “norm,” rather than on recognizing her individuality and specific sets of experiences. Ableism, sexism and other forms of oppression put self-identified women with disAbilities at increased risk of experiencing a range of violence and create barriers to accessing the very responses that can increase safety and facilitate healing. Policies and procedures need to include ableism as a form of violence and to address it through program audits, supervision, training curricula, and public education campaigns. While concerned about the impact of ableism and audism on men and women, the goal of this paper was to name ableism as a form of violence against women, to increase awareness and understanding about its existence and serious impacts, and to ensure it is on everyone’s agenda.