

Reproductive Freedom Week 2013

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Disability and Reproductive Justice

by s.e. smith

Reproductive justice includes the right to control the timing and spacing of children, if one wants to have them at all, but the issue of starting families and the right to have children is often overlooked, particularly among mainstream organisations. For some groups of marginalised people (such as the LGBTQ community and communities of colour), this right is critically threatened and in need of protection just as much as the right to access contraception and abortion services is; among disabled people, for example, there is a very real risk that the right to have and keep children without interference will be restricted thanks to attitudes about disability and parenting.

There's a common belief that disabled people are not capable of parenting, particularly if they have cognitive, intellectual, or developmental impairments, or if they have physical impairments. An estimated 30% of disabled people (<http://cirrie.buffalo.edu/encyclopedia/en/article/36/>), in contrast with 40% of nondisabled people, are parents struggling in a world where the right to parent is not protected if you don't have a normative body or brain. When your child can be taken from you because of who you are, you live in a constant state of tension; simply wheeling down the street with your child can become a balancing act.

Notably, some disabled people are barred from having children at all through forced and coerced contraception and sterilisation. It's commonly believed that these issues lie in the past, or occur primarily in the Global South, but this is in fact far from the truth. Involuntary sterilisation of disabled people happens worldwide (<http://www.ipsnews.net/2012/09/involuntary-sterilisation-threatens-rights-of-disabled-women/>), including in the US, with the United Nations noting that sterilisation is used as a form of torture (<http://www.nzdoctor.co.nz/un-doctored/2013/march-2013/07/un-report-when-a-health-carer-becomes-a-torturer.aspx>) in some regions of the world. Recent cases in both the United States (http://articles.chicagotribune.com/2008-04-19/news/0804180683_1_sterilize-mentally-disabled-woman-tubal-ligation) and the United Kingdom (http://www.bioedge.org/index.php/bioethics/bioethics_article/10403) illustrate that forcible sterilization is a clear and present danger.

For those allowed to retain some reproductive autonomy and control over their fertility, getting pregnant and deciding to keep the pregnancy does not necessarily equate to being permitted to raise the child. Disabled people are frequently hard-pressed to defend their parenting rights, a sharp contrast to the conventional approach to handling questions of parenting and autonomy, where the state is required to develop a compelling argument for separating a child from her home environment, and where reunion with the family is usually considered the primary goal.

Arguments against allowing children to remain in the homes of disabled parents include claims that d/Deaf parents (<http://www.dppi.org.uk/journal/49/experience2.html>) won't hear cries for help, quadriplegic parents (<http://abcnews.go.com/Health/MindMoodNews/quadraplegic-mother-fights-maintain-custody-son/story?id=9403163#.UUtUjVtAR7E>) won't be able to assist their children with tasks of daily living, and parents with intellectual impairments (<http://www.abc.net.au/news/2012-10-23/calls-for-changes-to-child-removals-from-disabled-parents/4329772>) won't be able to understand and take on the responsibilities of parenting (<http://www.aifs.gov.au/nch/pubs/issues/issues31/issues31.html>).



For disabled people, having a child can be a constant battle. Not in the sense of fighting a willful teen, but in the sense of confronting an establishment that believes children would be safer in the homes of nondisabled parents—and, better yet, shouldn't be born to disabled people at all, on the grounds that they're unfit for the responsibility. Beneath this runs a current of eugenic attitudes, sometimes even explicitly stated, a suggestion that disabled people shouldn't have children for reasons of social responsibility, because they might "pass it on."

Most states still have laws on the books (<http://www.usatoday.com/story/news/nation/2012/11/26/disabled-parents-custody-adoption/1726465/>) permitting the seizure of a child on the grounds that disability makes someone an unfit parent. Such laws are clear violations of the Americans with Disabilities Act (ADA), and more than that, they're a profound human rights injustice, denying disabled people the basic right to build and have families, to have children and raise them in a safe and loving environment. When disability is used as grounds for taking a child into custody, it tears families apart and sends a dangerous social signal, a warning that disability is dangerous, and disabled people are not to be trusted with children.

This applies not just to parents who conceive naturally, but also to parents who are struggling to conceive and need assistance; treatments may be denied on the grounds of disability, a clear case of discrimination and one that shouldn't be tolerated. Few reproductive justice advocates have plunged into the tangled and complex ethical thicket of assisted reproduction, let alone laid out a clear case for the defense of parents who need assistance with conception or carrying a pregnancy; since some disabled people have impairments that necessitate assistance or require surrogate or donor material, this leave them at a particular disadvantage.

Likewise, the adoption system in the US (<http://www.ncd.gov/publications/2012/Sep272012/>) discriminates against disabled parents with a framework that puts barriers in the way of adoption for disabled people interested in fostering or adopting. Adoptive parents may be taken far into the process before being rejected on the grounds of impairments like cerebral palsy, despite ample evidence of their willingness and ability to care for children; this is a devastating turn of affairs for people who long for full social inclusion, which includes the opportunity to parent if they want to.

As we think about reproductive freedoms this week, we must consider all their permutations, and the importance of a world in which the right to parent is protected just as fiercely as the right not to parent, or to choose to wait to become a parent. Disabled people need the full force and support of the reproductive rights movement, and so do their children; freedom for some is justice for none, and no loving, competent parent should have to live in daily fear that her child will be taken from her simply because of who she is, how she lives her life, the fact that she lives interdependently rather than independently.

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