

VICTIMIZATION OF THE DISABLED

By Milind Hasrajani⁵¹³ & Shreevardhan Khemka⁵¹⁴

INTRODUCTION

“To try to deny to ourselves and others that we feel anger is a distortion of reality that is likely to cause trouble; and to suppress issues precludes the possibility of resolving them.”⁵¹⁵

This article presents a theoretical analysis of risk of victimization of persons with disabilities. We shall start by defining ‘victimization’ and ‘disability’. Victimization is defined as causing someone to be treated unfairly or made to feel as if he or she is in a bad position. When you treat someone poorly and make him feel adversity, this is an example of victimization. Disability means a physical or mental condition that limits a person's movements, senses, or activities. It should be one imposed or recognized by the law. Persons with disabilities are victimized by crime at much higher rates than the rest of the population, and they are often targeted specifically because of their disabilities.

As compared to other population groups, victims with disabilities experience higher rates of victimization by persons known to them, and they report crime less frequently, often because of the nature of their disabilities, such as cognitive or physical disabilities or mental illness. In addition, crimes against persons with disabilities can also constitute a subset of hate crimes. This subset of hate crimes and their implications will also be discussed in this article.

Finally, let's hope that considering the specific risk factors and mechanisms that affect people with disabilities, there will be implications that can help further the understanding of violence and violence prevention against disabled persons.

DEFINITION OF THE DISABLED

According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, "Person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority (any hospital or institution, specified for the purposes of this Act by notification by the appropriate Government). As per

⁵¹³ 1st Year BCOM LLB Student, Gandhinagar National Law University

⁵¹⁴ 1st Year BCOM LLB Student, Institute of Law Nirma University

⁵¹⁵ Straus et al., 1980, p. 171

the act "Disability" means - (i) Blindness; (ii) Low vision; (iii) Leprosy-cured; (iv) Hearing impairment; (v) Loco motor disability; (vi) Mental retardation; (vii) Mental illness⁵¹⁶.

Since ancient times, society has discovered disabilities arising out of obvious deficits in anatomical structures, sensory functions and intellectual developments amongst its members. These disabilities debarred the affected persons from participating in the day to day working and social life. Recent evolvement in the growth of knowledge (scientific) in this area and scientific activism in the globalized world sends the message that the concept of disability has become an important issue for re-examination and re-definition.

DEFINITION OF VICTIMAZTION

Victimization is the outcome of deliberate action taken by a person or institution to exploit, oppress, or harm another, or to destroy or illegally obtain another's property or possessions. The act committed by the offender is usually a violation of a criminal or civil statute but does not necessarily have to violate a law. Harm can include psychological/emotional damage, physical or sexual injury, or economic loss⁵¹⁷.

VICTIMIZATION OF THE DISABLED

There is not only an increased level of risk of targeted violence and hostility but also increased victimization of persons with disabilities. Persons with disabilities are victimized by crime at much higher rates than the rest of the population, and they are often targeted specifically because of their disabilities. As compared to other population groups, victims with disabilities experience higher rates of victimization by persons known to them, and they report crime less frequently, often because of the nature of their disabilities, such as cognitive or physical disabilities or mental illness. Let us now look at the basic factors, which place disabled people at higher risk of violence:

1. **Gender:** Women with disability have been described as being doubly marginalized because of the different social roles between men and women. Women with disability are also at a higher risk of sexual and physical abuse.

Here is an example of the victimization of the disabled due to gender as a factor: - disabled women are less likely to be in the paid workforce than either men with

⁵¹⁶ Persons with Disabilities Act, 1995

⁵¹⁷ <http://research-paper.essayempire.com/criminal-justice-research-paper/victimization/>

disabilities for non disabled women and in general have lower income from employment.⁵¹⁸

2. **Age:** When we talk about age as factor of victimization of the disabled the focus mainly goes to the children with disabilities. Children with disabilities are at a higher risk of being subjected crime because they often are an easy target for the perpetrator.

The results of a logistic regression have showed that disability increased the risk of lifetime physical maltreatment to children with disability by 1.6 times⁵¹⁹.

However there are other sides to this factor as well. According to WHO “with increasing age, disability increases and, among those who are elderly (age 65 and over), the old elderly are more likely to experience disability than are young elderly”⁵²⁰.

3. **Discrimination:** Disability discrimination occurs when an employer or other entity, treats a qualified individual with a disability who is an employee or applicant unfavorably because she/he has a disability. It also occurs when an employer or other entity treats an employee/applicant unfavorably because she/he has a history of disability.

Here is an example of the victimization of the disabled due to discrimination as a factor:

- A pub allows a family with a child who has cerebral palsy to drink in their beer garden but not in their family room. The family with the disabled child is not given the same choices that other families have⁵²¹.

4. **Lifestyle of the victim:** According to this factor the lifestyle of the victim can determine the degree of exposure of the victim to potential offenders. Therefore the greater the exposure, the more there will be risk of victimization.

For example, institutional care may function both to increase the exposure of people with disabilities to potential offenders and may isolate them from sources of protection, such as the police. An offender may choose an individual with a disability as a victim

⁵¹⁸ [://disability-studies.leeds.ac.uk/files/library/meekosha-meekosha.pdf](http://disability-studies.leeds.ac.uk/files/library/meekosha-meekosha.pdf)

⁵¹⁹ <http://jiv.sagepub.com/content/early/2014/12/24/0886260514564066.abstract>

⁵²⁰ <http://cirrie.buffalo.edu/encyclopedia/en/article/189/>

⁵²¹ <https://www.citizensadvice.org.uk/discrimination/discrimination-because-of-disability/disability-discrimination/>

out of a belief that apprehension is less likely and that punishment will be less severe if apprehension occurs⁵²².

HATE CRIME DISABILITY

The Association of Chief Police Officers (ACPO) and the Crown Prosecution Service have a nationally agreed definition of Hate Crime. Any criminal offence, which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice, based on a person's disability or perceived disability.⁵²³

Disabled people are often seen as “different” in the eyes of other people. They may behave differently or look differently. They might have difficulty understanding simple things and require assistance most of the times. They are often seen as useless and dependent, who are excluded from all aspects of society and stay either in their homes or institutions. These differences as perceived by others lead to evolve a range of negative emotions against people with disability, such as superiority and hatred. However these differences are not the only reason why crimes against them are being committed. Disability hate crimes are massively unreported owing to a number of challenges. Most of the times, it is the victim himself who doesn't report the crime because he is afraid of retaliation or that he may not be believed. Some of them are dependent on a third person to report but the person fails to do so. To overcome these challenges it is critical to understand why people commit these hate crimes against them. The major reason is jealousy of the perks that the disabled people get. In India there is 3% reservation for people with disability in government companies. This reservation is often seen as unfair to those who work for getting jobs but lose them due to this 3% reservation. People instead of understanding the difficulties suffered by the disabled just think of these perks as unfair. Another reason is that disabled people are easy target for the criminals and the chances of being caught are less. These reasons therefore ultimately increase the risk of victimization of the disabled.

CONCLUSION

Victimization of Persons with disabilities over the world is increasing due to inefficient measures of the governments. A large number of disabled persons are not aware about the rights and remedies offered to them. However there have been a lot of positive changes which favor the disabled persons, but they are still seen as “different” in the eyes of other people.

⁵²² <http://www.nap.edu/read/10042/chapter/4#25>

⁵²³ www.cps.gov.uk/publications/prosecution/disability.html

They too are human beings and should be considered as “equals” rather than “different”. By understanding the reasons why hate crimes are being committed against them, we come to the conclusion that disability hate crime is a serious offence which is going unnoticed and more strict rules and implementation of those rules are required to bring it under control.

