

## LESSON 3

### DISABILITIES IN PRACTICE

This part focuses on the realities of persons with disabilities in general and those in Kyrgyzstan in particular. Persons with disabilities are not a heterogeneous group of people. Therefore, generalising them as a group is a huge mistake. Understanding the diversity among persons with disabilities is one of the first steps towards contributing to a more inclusive society. In this part,

#### **Content of Lesson 3**

- 3.1. Reality of Lives of Persons with Disabilities
- 3.2. Gender and Disabilities
- 3.3. Theory of Intersectionality and Capability Approach

## 3.1. Reality of Lives of Persons with Disabilities

#### **Things to prepare:**

- Internet connection to a computer (and a projector)

Please watch the following three video materials.

- <https://youtu.be/TyozK9MHnTA>
  - <https://youtu.be/vicuaBJxmCY>
  - <https://youtu.be/wHaFrOZ89k0>
- The trainees are divided into groups to discuss their findings on the videos, especially in comparison with the media representation of persons with disabilities that they have been used to. The questions can be for instance:
- 1) How were persons with disabilities portrayed in these three videos?

2) How are they usually portrayed in mainstream media?<sup>1</sup>

Each group makes a presentation on their findings and answers to the questions.

- For advanced trainees, the teacher can ask them to analyse why there is such a gap between these videos and the mainstream media on the way in which persons with disabilities are portrayed. The trainees can further elaborate on ways to deconstruct the discriminative image in society towards persons with disabilities.

#### Physical Inaccessibility and Attitudinal Barriers

The Soviet legacy where persons with disabilities were isolated brought largely physical inaccessibility and attitudinal barriers to Kyrgyz persons with disabilities today.

*When I use public transport, I use it very rarely, but when I use it, even if I am not disabled as badly as in a wheelchair, I feel the attention on myself all the time. When you are on the streets in these republics, you don't see disabled people. That's not because there are no disabled persons in our countries, but because of the attitudes of people. People are very intolerant and rude, like "Why are you here? You should be sitting at home."*

(Kyrgyz, a disabled person D in an urban area<sup>2</sup>).

The defectology, an academic discipline that was used in the Soviet Union governing the care and treatment of children and persons with disabilities, reinforces the main approach towards disability in a highly medical manner still today in the region.

Isolation policy and practice still continues today in the region. According to UNICEF<sup>3</sup>,

*The number of children in institutional care in the CEE/CIS region is the highest in the world. UNICEF estimates that across the region, a child with a disability is almost 17 times as likely to be institutionalized as one who is not disabled. More than 626,000 children are institutionalized and the rate of children in institutions increased between 2000-2007, with approximately 60 per cent of all institutionalized children being registered as children with disabilities.*

During the first years of independence and the financial crisis after that, the number of children with disabilities even increased in the institutions. According to a study conducted

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<sup>1</sup> The question is inspired by Carr, L., Darke, P., and Kuno, K. (2012) Disability Equality Training. MPH Publishing. Selangor. Available at [http://www.un.org/disabilities/documents/egms/2015/Kenji\\_Kuno\\_Change.pdf](http://www.un.org/disabilities/documents/egms/2015/Kenji_Kuno_Change.pdf) Accessed on 24.11.2017.

<sup>2</sup> Katsui (2005) Towards Equality: Creation of the Disability Movement in Central Asia. Helsinki University Press. Helsinki. P.60. Available at <http://ethesis.helsinki.fi/julkaisut/val/sospo/vk/katsui/towardse.pdf> Accessed on 26.11.2017

<sup>3</sup> [https://www.unicef.org/eca/education\\_13373.html](https://www.unicef.org/eca/education_13373.html) Accessed on 24.11.2017.

on 400 women with disabilities in Kyrgyzstan (Alybaeva, 2007), 20.5% of the studied women with disabilities had no education at all<sup>4</sup>.

There seems to be a clear general trend that children and persons with disabilities in the region enjoy fewer opportunities than peers without a disability.

- The teacher can ask the trainees what kinds of physical and attitudinal barriers are observed today.
- Further reading for advanced trainees (only in English): UNICEF (2012) The Right of Children with Disabilities to Education: A Right-Based Approach to Inclusive Education. UNICEF. Geneva. Available at: [https://www.unicef.org/eca/UNICEF\\_Right\\_Children\\_Disabilities\\_En\\_Web.pdf](https://www.unicef.org/eca/UNICEF_Right_Children_Disabilities_En_Web.pdf)

## 3.2. Gender and Disabilities

This part is based on the [general comment](#) No.3 (2016)<sup>5</sup> by the Committee on the Rights of Persons with Disabilities on women and girls with disabilities. It is available in different UN official languages, including Russian.

Definition of women and girls with disabilities

“Women with disabilities” refers to all women, girls and adolescents with disabilities.

Differences between sex and gender

“Sex” and “gender”, where “sex” refers to biological differences and “gender” refers to the characteristics that a society or culture views as masculine or feminine.

Multiple discrimination

“Multiple discrimination” refers to a situation in which a person experiences discrimination on two or more grounds, leading to discrimination that is compounded or aggravated. “Intersectional discrimination” refers to a situation where several grounds interact with each other at the same time in such a way as to be inseparable. Grounds for discrimination include age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum seeker status, religion, sex and sexual orientation.

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<sup>4</sup> Alybaeva, N. (2007) Report on the results of social research on the theme, peculiarities of the disabled women’s status in Kyrgyz Republic. Ravenstvo. Karakol.

<sup>5</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en)  
Accessed on 24 November 2017

- (a) **Direct discrimination** occurs when women with disabilities are treated less favourably than another person in a similar situation for a reason related to a prohibited ground. It also includes detrimental acts or omissions on the basis of prohibited grounds where there is no comparable similar situation. For example, direct discrimination occurs when the testimonies of women with intellectual or psychosocial disabilities are dismissed in court proceedings because of legal capacity, thus denying those women justice and effective remedies as victims of violence;
- (b) **Indirect discrimination** refers to laws, policies or practices that appear to be neutral when taken at face value, but that nonetheless have a disproportionately negative impact on women with disabilities. For example, health-care facilities may appear neutral but are discriminatory when they do not include accessible examination beds for gynaecological screenings;
- (c) **Discrimination by association** is discrimination against persons on the basis of their association with a person with a disability. Often, women in a caregiver role experience discrimination by association. For example, the mother of a child with a disability may be discriminated against by a potential employer who fears that she may be a less engaged or available worker, because of her child;
- (d) **Denial of reasonable accommodation** is discrimination that occurs when necessary and appropriate modifications and adjustments (that do not impose a disproportionate or undue burden) are denied despite being needed to ensure that women with disabilities enjoy, on an equal basis with others, their human rights and fundamental freedoms. For example, a woman with a disability may be denied reasonable accommodation if she cannot undergo a mammogram at a health centre owing to the physical inaccessibility of the built environment;
- (e) **Structural, or systemic discrimination** is reflected in hidden or overt patterns of discriminatory institutional behaviour, discriminatory cultural traditions and discriminatory social norms and/or rules. Harmful gender and disability stereotyping, which can lead to such discrimination, is inextricably linked to a lack of policies, regulations and services specifically for women with disabilities. For example, owing to stereotyping based on the intersection of gender and disability, women with disabilities may face barriers when reporting violence, such as disbelief and dismissal by the police, prosecutors and courts. Likewise, harmful practices are strongly connected to and reinforce socially constructed gender roles and power relations that can reflect negative perceptions of, or discriminatory beliefs regarding, women with disabilities, such as the belief that men with HIV/AIDS can be cured by engaging in sexual intercourse with women with disabilities. The lack of awareness, training and policies to prevent the harmful stereotyping of women with disabilities by public officials, be they teachers, health

service providers, police officers, prosecutors or judges, and by the public at large can often lead to the violation of rights.

Article 19 of the UN Convention on the Rights of Persons with Disabilities deals with living independently and being included in the community. The general comment of the Committee on this article regarding women and girls with disabilities is as follows:

The right of women with disabilities to choose their place of residence may be adversely affected by cultural norms and patriarchal family values that limit autonomy and oblige them to live in a particular living arrangement. Thus, multiple discrimination can prevent the full and equal enjoyment of the right to live independently and to be included in the community. Age and impairment, separately or jointly, can increase the risk of institutionalization of older persons with disabilities. In addition, it has been widely documented that institutionalization may expose persons with disabilities to violence and abuse, with women with disabilities being particularly exposed.

- The teacher can ask the trainees which types of discrimination are common in the country.
- The trainees can present what kinds of discrimination experiences they as (future or in-service) social workers have observed on women with disabilities around them.

A Story of Zhibek in an Institution in Kyrgyzstan

This story was introduced at <https://rus.azattyk.org/a/28825449.html> in Russian. The story was shortened and translated into English for this teaching module.



Zhibek Sagynbekova is a woman with cerebral palsy. For the last ten years she has lived in the Nizhne-Serafimovsky institution for elderly persons in the village of Serafimovka in the Issyk-Ata district.

- We met with Timur five years ago. He called me. I did not even expect it to happen. And I did not believe it. So it turned out at the behest of God.

The husband, Timur, works as a plumber in the institution, and has temporarily moved into Zhibek's room to live together as a temporal solution.

Last year, she gave birth to a son, but she had to give the child to the orphanage in the city of Tokmak. Living in the institution for elderly persons, the family asks the state for housing in order to independently raise their child.

"Before, I did not go anywhere, I always thought that I would be alone. But God gave me such a fate. I write poetry and books. But I want to live in a separate house, open up my small business, sell something for little things and make money. I would like to live in my house, I have sisters who would help us. I need a house. Here (in the institution) we can live with the husband, but the child cannot. Therefore, I turned to you," Zhibek said.

Zhibek and her husband Timur call several times every day to the orphanage to find out how their little boy Amantur is doing.

"I cannot reach anyone, so I turned to you. I have a child. My husband and I want to live together with our son as one family," Zhibek said. - It is impossible to raise a child here, because this place does not suit him. Old people and old women live here. Everywhere smells ... It is better, of course, to live as one family."

Her husband Timur says that his relatives live very modestly and they make their ends meet. The relatives cannot help them. To date, Zhibek receives an allowance of 3.5 thousand soms (42 EUR), while the salary of Timur is 5 thousand soms (60 EUR). But this is not enough to ensure the economic independency of the couple. The family believes and promises that they will be able to manage their farm for their living, if they are provided with a house.

- The trainees can discuss what types of discrimination are taking place in the case of Zhibek in terms of gender and disability.
- Further reading for advanced trainees: Alybaeva, N. (2007) Report on the results of social research on the theme "Peculiarities of the disabled women's gender status in Kyrgyz Republic". Ravenstvo. Karakol. (Available in Russian)

### 3.3. Theory of Intersectionality and Capability Approach

As has become clear from above, it is important to understand that persons with disabilities tend to have fewer opportunities than peers without a disability, not only due to disabilities, but also due to various other reasons such as a disabling physical and attitudinal environment, lack of law, non-implementation of laws, gender-based discrimination, poverty as well as personal characteristics and relationships, to name a few. When various factors are affecting systematic injustice and the deprivation of the human rights of a person, **intersectionality** is an important concept to understand the reality of persons with disabilities as a whole. Persons with disabilities are not a homogenous group but have different characteristics and identities that also need to be taken into account.

Some of the social inequalities stem from **personal factors** (ex. impairment, sex, class, race), some are **commodities** (ex. income, assistive devices, medications) and others are **social and environmental factors** (ex. attitude, physical environment, social protection services). **Capability Approach**, coined by Amartya Sen, a Nobel Prize winner in economic science, is instrumental in understanding the intersectionality of persons' conditions and their environment. Capability, that is the ability to achieve, actual opportunity and freedom, is a helpful concept to holistically understand the persons and their overall environment. It is not that they function (functionality), but what they are capable of doing (capability) is focused in the capability approach.

The following section summarises implications of the capability approach to disabilities.<sup>6</sup>

- Focuses on all factors in three categories, commodity, social and personal factors, rather than focusing on only one of them.
- Does not take factors separately, but transforms them into Functionings and Capabilities to reflect actual opportunities and freedom.
- Takes actual opportunities and equality rather than the formal form of opportunity.
- Analyses potentials and freedom rather than achievement or achieved conditions.
- Pays equal attention to the aspect of agency, as well as well-being.
- Reflects the diversity of the aspirations of individuals and society rather than applying a preset list for analysis.
- Reflects different forms of disabilities.
- Identifies various areas of and strategies for intervention in practice.

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<sup>6</sup> Carr, L., Darke, P., and Kuno, K. (2012) Disability Equality Training. MPH Publishing. Selangor. P.160.

- Please take the aforementioned Zhibek's case and identify her personal factors, commodities and environmental factors.
- For advanced trainees, they can think about the capability of persons with severe and multiple disabilities and discuss their capabilities especially in terms of decision making and also in terms of who should take the responsibility (=who are the duty-bearers). The trainees can further discuss how a human rights-based approach can be realised to persons with severe and multiple disabilities.
- The next lesson (Lesson 4) will focus on the personal life and organisational experiences of persons with disabilities in Kyrgyzstan. The teacher can share the information on which DPO will be visited or who are the guest lecturer(s) to visit you. The trainees are recommended to prepare a list of questions to ask from them, so that they could be part of the change and not the barriers reinforcing the status quo.